CHAPTER III

ECONOMIC CO-OPERATION

602 THE primary economic units in Nyakyusa society are the kinship groups—the elementary family, the cattle-owing lineage, and the
476 group of cognates who co-operate in production and exchange many gifts, and among whom cattle circulate.[1] However, fellow villagers also work together, exchange food, and have a common interest in certain property.

a. Land

● 423 The village is the land-holding group. As we have seen, land is allocated to a boys' village, at its commencement, by the parent
245 village, that is the village to which the fathers of most of the boys belong. Little boys' huts are usually to be seen going up on a strip of pasture-land, adjoining the block of banana groves which shroud their fathers' houses. The boys' land is primarily a building site, but very soon after moving into their huts they turn over the ground and plant banana suckers (*vide* Plate II). Bananas begin to bear very quickly, and so in a little more than a year after the establishment of a boys' village, its members have bananas of their own, which they cook for themselves and eat with their
241 friends at odd times during the day. But they have, as yet, no
423 fields, for the cultivation of fields requires the co-operation of a wife. Bachelors continue to eat their main meals at their parents' village. As the boys grow up and marry they begin to cultivate garden-land adjacent to their village. Some of these gardens are acquired by individuals from their own fathers and fathers-in-law, but whether there may also be a block grant of garden-land by the parent village as a whole to the boys' village as a whole we
423 are not certain. In any case the land of boys' villages is limited, and at the 'coming out' the old men move aside and the young men enter their inheritance. The allotment to each village is

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[1] cf. Monica Wilson, 'Nyakyusa Kinship' in *African Systems of Kinship and Marriage*, edited by A. R. Radcliffe Brown and Daryll Forde.

decided by the old village headmen and chief in consultation, at 423
the commencement of the 'coming out' ceremony. This moving
aside of the old men is an essential part of the ceremony and
occurs even when there is unoccupied land available. For example, at the 'coming out' of Mwańkuga, Mwaipopo's heir, the
old men moved aside to make room for their sons, although there
is a large area of unoccupied land in the chiefdom, which is
slowly being colonized by Mwaipopo's men.

Although the main redistribution is at the 'coming out', later 621
readjustments are common enough. If a particular men's village
attracts many members, and these members become wealthy in 423
wives and children, then it may be necessary for the old men to
move aside a second time, to make yet more room for their sons.
The senior headman of the side of the chiefdom concerned, in [622]
consultation with the chief and other village headmen, has the
power to make equitable adjustments in the land holdings of
the villages of his side. We watched one village, whose numbers
had diminished, being moved to make more room for a junior
one which had flourished. But so long as its members remain
together, a village retains its name and identity, though its site
may be moved more than once. 'A village', the Nyakyusa say,
'consists in men, not in land.'

Boundary disputes between villages of a chiefdom are not unusual. In the old days these often led to war. Nowadays they are 691
taken before the Court, whence there is an appeal to the
federal court, the District Officer, the Provincial Commissioner
and thence to the High Court (cf. p. 137). One such case, which
we observed, had dragged on for years because the chief concerned, who happened to be president of the Court, feared to give
judgment lest he be bewitched by the village which lost the case
(cf. Document p. 191).

The division of the land allotted to each village lies with the 425
members of that village, under the leadership of their own headman. The village headman himself, and other prominent individuals in the group, get first choice of sites: a son does not have a prescriptive right to the building site and gardens of his father when 554
the old men move aside for their sons. 'If you are prominent, and
you like your father's old site, that's all right, the others agree;
but if you are unimportant ("light"), no; one of the important
men takes it; *you* have no power.' Certain building and garden

425 554 sites are preferred to others, but the division of them at the 'coming out' does not appear to create much friction.

When the old men move they still maintain rights over what 423 may be regarded as the major 'improvement' made on their old sites, that is, trees which they or others have planted. There are two species which were traditionally and still are of great value to the Nyakyusa, the bamboo and the *unsyunguti*. Bamboos are used for house-building, while the *unsyunguti* produces a fruit which is both delicious to eat and also full of seeds which are dried and crushed for ointment. As has been shown in a previous essay[1] rights over these trees are maintained when individuals move from one village to another. Similarly, when a whole village moves, rights over bamboos are maintained, the former owner returning to cut them himself if he chooses. But the less valuable *unsyunguti* crop is left to the occupier. As one old man put it: 'We don't send our wives back to harvest the *imisyunguti* trees lest the young men make love to them there.' Bamboos are felled by men. Further complications are now potentially created by the planting of coffee-trees, but we know of no case in which a 'coming out' has yet taken place in a chiefdom in which coffee has been extensively planted—the first coffee-planters were those living on mission land which is unaffected by the 'coming out' ceremony. Now that coffee planting is becoming general, however, the difficulties of moving whole villages will be much greater.

The only land which was traditionally excluded from the 'new deal' in each generation is the very scarce and valuable ground in the bottom of old volcanic craters. This land is owned by families, and is always claimed by a kinsman when the occupier dies or moves to another chiefdom. It may be that long ago the land in each particular crater was owned solely by members of some particular village, but now it is held by old families scattered all over the chiefdom in which it lies. Thus ordinary [428] land, of which in the old days there was ample, was re-allotted in each generation, but the most valuable ground was passed down from father to son. We shall return to this point again in our last chapter.

425 As we have seen, movement of individuals from one village to another is very frequent. Normally land for building and gardens

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[1] Godfrey Wilson, *The Land Rights of Individuals among the Nyakyusa*, pp. 43–5; Rhodes-Livingstone Papers No. 1, 1938.

425 and need not be recapitulated. The essential fact here is that the village is the group which allocates land to a new-comer, and which maintains the rights of individuals who have moved and who wish to return.

Once established in a village, a man can hoe any ground which 425 has not yet been cultivated, and thereby make it his own.[1] No ● 423 reference need be made to the headman and other villagers, provided that he does not encroach on land formerly cultivated by others, or on the main pasture land. There is no limit to the acreage he may use. Pasture-land is jointly owned by the whole village group and no individual has exclusive rights to any portion of it. Every member of a village has the right to graze his cattle on the village pastures, and this right may also be granted to an outsider by the village headman in consultation with his neighbours. But no one has the right to cut trees near the village (unless they are ones he has planted or inherited) without the permission of his fellow villagers. The death of one man we knew, the younger brother of a chief, was attributed to the fact that he had cut a branch from a self-sown tree growing in the arable land of a village in which he was a new-comer, without asking permission of his fellow villagers. It was said that 'the owners' of the village were angry and killed him because he had not asked their leave before lopping the tree. He had wanted the branch to make an axe-handle.

The land rights of Christians living in the chiefdoms are 423 identical with those of their pagan fellows; but those who live on 797 mission land are in a different position. They are tenants of the mission, paying an annual rent of 1s., and liable to be evicted by the missionary in charge if they leave the Church. A man so driven out loses the coffee-trees he has planted. One Christian informant remarked: 'We do not think it good to plant coffee on mission 5 land because very often a man is turned out of the Church.' And at Rungwe mission even those moving voluntarily lose the coffee they have planted. Now all trees introduced by Europeans have been declared by the Federation of Chiefs to be the property of the planter, even though he has moved to a different chiefdom, and Christians feel that they have greater security of ownership in coffee planted in the chiefdoms than in that on mission land. The difficulties likely to arise at a 'coming out' are ignored, and

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[1] Ibid., pp. 41–2.

it is implied that coffee planted in the chiefdoms will be inherited 423
by a man's heirs. As a leading Christian woman put it: 'We like 797
to build on this side of the river because the other is mission land, and if a man moves he loses the coffee and everything else he has planted there. . . . A man has children and he wishes his children to inherit what he has planted.' The number of coffee-trees each man may plant on mission land is also limited to 100, so that the development of large plantations, such as some astute Nyakyusa are undertaking, is impossible there.

b. Building

When a group of boys starts a new village two or three friends 476
usually combine to erect a little hut and live in it together. As 342
younger boys join the village the older ones instruct and help their juniors to build. Thus, although as they grow older each boy builds a hut for himself, the habit of co-operation with village-mates in construction is already established. Until they are married, boys do all the work on their huts for themselves, fetching their own reeds or bamboos for the frame, and cutting and carrying thatching grass. They usually leave their huts unmudded. Adult men, on the other hand, are helped by their wives and female relatives as well as by sons and sons-in-law, and one or two of
their own village neighbours. Men fell the bamboos, construct [462]
the framework of the house, and thatch, while women cut and carry grass, carry bamboos, mould the mud bricks which are packed between the bamboo uprights, and plaster the hut inside. The wife for whom the hut is being built is responsible for the women's work, but she usually gets some help from her co-wives and women neighbours, as well as from her mother and sisters, and the mother and sisters of her husband. Sons and sons-in-law are expected to bring with them other young men, their village-mates. Co-operation is thus both with relatives and village neighbours—the neighbours of the couple building the hut, and of their sons and sons-in-law.

The huts of married men are built with immense care, for not 342
only are substantial houses essential to comfort, and indeed a condition of survival, in this climate of torrential rains and cold winter mists, but the Nyakyusa take great pride in the appearance of their homesteads (*vide infra*, p. 77). The early European

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land in each generation. The territorial segregation of fathers and sons is directly dependent upon the shifting of the old men after the 'coming out' ceremony, without which the young men would not have sufficient land to establish themselves as a compact group on land adequate to support their growing families. Where no redistribution of land takes place, as on mission land and in the chiefdoms where the 'coming out' ceremony has been dropped, the territorial division between age groups becomes blurred within a generation.

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Redistribution of land in each generation depends upon two further conditions: the existence of ample land to support the population, and relatively little development of land. As soon as land becomes scarce those in possession of it are reluctant to agree to redistribution. It is significant that the most valuable land of all in Nyakyusa country—that in old craters—is *not* redistributed at a 'coming out' ceremony, but is retained by an individual until his death, and then inherited by kinsmen. And as soon as improvements are made in the form of planting long-term crops, or building durable and expensive houses, the difficulties of redistribution are increased. Nyakyusa land-law recognized the right of an elder who had moved, or of his son, to the bamboos and *imisyunguti* trees he had planted (*vide supra*, p. 46). But such rights become much more complicated when it is not only an odd clump of bamboos or two or three trees which are at stake, but a large patch of coffee; or when, in place of the old-fashioned long hut (*ikibaga*) built with the co-operation of kinsmen and neighbours, there is a more substantial house with expensive doors and windows made by an expert carpenter. It has been shown that where individual rights over trees or other long-term crops are recognized, and such crops are planted on a large scale, individual tenure of land, as opposed to a temporary right of usufruct, tends to develop.[1]

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Secondly, the solidarity of the Nyakyusa age-village, as of kinship villages in other African societies, is a function of a small-scale society. Fellow villagers have been hitherto, and are still in a large measure, dependent upon one another for land, for aid in economic undertakings, for sympathy and good fellowship, and for protection 'by night and by day'. But such mutual dependence is visibly decreasing. In the economic field co-opera-

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[1] C. K. Meek, *Land Law and Custom in the Colonies*, p. 28.

4. A BOUNDARY DISPUTE

Heard by the Lupata Court (president, Mwaipopo), 18/3/35.

Man A brought case against man B for assault.

Plaintiff and defendant gave their accounts, and also Mwangomo, chief of the country concerned. 423 695 683

A and B had quarrelled over the boundary of their adjoining homesteads, which are in different villages of the same chiefdom. There was an old quarrel about the boundary of the village. Mwangomo stated: 'The week before this quarrel I went with my brothers and the young village headmen (leaving behind the old village headmen because I thought they would quarrel) to settle the dispute. We walked over the boundary and said to the people concerned: "It is here."

'A and his two friends (not in court) were not satisfied with my demarcation and grumbled openly saying: "Who is Mwangomo to take from us the place where our fathers lived, and from which they ate the bananas, and give it to our neighbours? We will take it and not care for Mwangomo" . . . or again: "We do not believe that Mwangomo really decided like this, we shall act as if the line was as before." So when I heard that they were talking like this I asked all the people to watch for any man who might do anything against the decision, and I told one man in particular to watch.'

A and B gave evidence, telling much the same story.

A went to cut the banana leaves (i.e prune) on the old boundary, with a bill-hook (*isenge*), and B came and told him to stop. They quarrelled, each claiming that the land had been his father's, and that his father had eaten the bananas off it. Then B caught hold of the bill-hook, and in the struggle A was cut. A now brings a case for assault against B.

Mwangomo: 'B is in the right, and what makes it worse is that since his father died A has never been in the country. He has lived in MuNgonde (the Lake-shore plain); he has only been back a few days in my country and he brings war into it and spoils it.' Mwangomo spoke angrily, and asked that A should be imprisoned.

The Court: 'We follow what you, the chief, say; if people resist you and speak against you it is very bad, but we disagree about imprisoning him, he has only just returned to the country and it is not a good custom to imprison a man who has only just come to a country. Bring his two friends who have lived long in your country.' 695 683

explanation among the heathen is that it was the work 685
of an ex-Christian who had died the previous day, and took the earliest opportunity, in his new state, of being revenged on those who had expelled him from the Church. In any case the act cost the Christian community at Karonga a large sum of money. Burning a house is a method frequently resorted to of "getting one's own back" from one's enemy, and detection is extremely difficult.

The Land Laws.—All the land belongs to the chief, 423 ●
who divides it among his various headmen, and they in turn give it out to their immediate followers. Newcomers are admitted and given lands by the headmen, but the grant must be confirmed by the chief, without whose consent no arrangement is final. This ownership by the chief is not mere theory, but, on the other hand, the individual has practically permanent rights in his property. He cannot be turned out at the mere caprice of anyone, and he hands on his lands to his heirs. Absence, even for many years, does not affect ownership, provided that wife or friends cultivate the land in the meantime.

The law of trespass was very severe in the past, and 685
would remain so if the natives had their way. Tres- 682
pass, however, does not mean merely walking over another man's ground; in that sense there is no trespass. It means annexation with the hoe; and if, in the fight which followed discovery, the trespasser was killed, a charge of murder did not lie against the owner; but if the owner was killed, the trespasser was indicted for murder. If the case was remitted to the

428 was set aside in succession, his right to inherit the property and widows was none the less undisputed.[1]

SLAVERY (AMONG THE NGONDE)

567 Slaves were obtained by the Kyungu and chiefs in warfare and as fines for offences. The Kyungu gave women slaves to his important chiefs, thus strengthening the kinship bonds between them and himself, for the recipient would regard the Kyungu as his father-in-law if he took the woman to wife, and her children would be counted as grandchildren of the Kyungu. The owner of a slave was obliged to find a spouse for him or her, and a male slave could rise to positions of importance.[2]

LAND TENURE

● 423 No individual can own land unless he himself either works it or is a full member of the local community. Rights to land are only rigorously defined in cases of scarce and valuable land. Owing to witchcraft beliefs, movement from one place to another is
425 constant. In taking up new land after a move, a stranger is granted land by the villagers acting through their great commoners, the chief being merely informed. Both chiefs and villagers welcome new-comers. If a man returns after absence to his own village he has a claim to enter into possession of his old building site and gardens. The claim varies in strength according to his relations with the villagers and the chief. If a man goes to a neighbouring village within a chiefdom, he can go on hoeing his old gardens, ownership depending on effective use.

Land suitable for bean and maize plots is the most valuable, as it is hoed continuously for years. Land for other crops is plentiful, so that if a man leaves a garden fallow for only two years anyone may cultivate it. The most scarce and valuable land is in the bottom of old volcanic craters, and in these cases rights are insisted upon, so that if a man moves to a new chiefdom, his next of kin claims his crater land. In other cases, when a man moves from a chiefdom, his old gardens revert to the joint ownership of villagers and chief. When a man dies his heir takes his wives, cattle, and movable property, but not his land, unless he comes to live in the village.

Rights in trees differ according to the types of trees and according to local custom. In some cases rights in trees are lost when a man moves away, in others the rights to valuable trees are claimed by the nearest kinsman in the neighbourhood. Now that chiefdoms are no longer in a state of potential war with each other, the group within which property is held is wider. Coffee-trees have been declared by the Federation of Chiefs to be the property of the original planter, even though he may have moved to another chiefdom. The Agricultural Officer takes over abandoned coffee-trees to tend them for pest control.

423 Pasture is jointly owned by the whole village group, no individual having exclusive rights in it.

No direct charge is made for the right to build or cultivate. Certain obligations are owed to a chief in view of his over-lordship, e.g. providing cooked food for ceremonies of the chief's own immediate family, but this obligation is reciprocal, the chief being expected in return to kill beasts to feed the people.[3]

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[1] Wilson, 5, 1939, pp. 52–4.

[2] Ibid., p. 46; Mackenzie, 1925, pp. 38–40.

[3] Wilson, 3, 1938, pp. 30–48; Mackenzie, 1925, p. 93.

000 pieces of ground above others. We must now pass to the third great determinant of the system of Nyakyusa land-tenure—the form of their society.

4. *THE FORM OF NYAKYUSA SOCIETY*

178 When we speak of "Nyakyusa society" to-day we refer to one small area within a world society, to a group of men distinguished from the rest of the world by the possession of a unique cultural idiom of their own but none the less bound to it by the strongest ties. Two generations ago Nyakyusa society was, unknown to our grandfathers, almost a world in itself, a world moreover which was split up into a number of tiny units in the shape of independent chiefdoms whose relationships with one another were of the loosest kind. The sons of men for whom society (that is effective relationship) was normally confined to two or three thousand families, all or nearly all consisting of personal acquaintances, now find their own destinies inextricably entangled with those of 1,600,000,000 people. To the Nyakyusa of to-day fluctuations in the world price of gold and coffee, the policies and incomes of the missionary Churches of Europe, the political relationships between Great Britain, her Dominions, the League of Nations and Germany are matters of some importance.

Nyakyusa society at the present moment thus includes a number of complicated relationships between the Nyakyusa group and the outside world which, in the recent past, had no existence at all. And the presence of these new relationships has profoundly modified the social forms which traditionally obtained within the group itself. And as, with the spread of Christianity, Islam and cilivised education, with the increase of skill and wealth and with the taking of new responsibilities, the Nyakyusa participate ever more and more fully in the life of the world society, so will their relationships with one another continue to change in form. For they still have upon them a primitive stamp, they still to some extent proceed from assumptions of isolation.

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423 The relationships of Nyakyusa society to-day fall into four main categories. There are, firstly, relationships of blood, marriage and affinity, secondly there are the various bonds of village life, thirdly there are those which subsist between members of the same chiefdom and, finally, there are those which bind the Nyakyusa to still wider groups, to the tribal group, the Territory, the World. And these relationships, as they are limited and defined, amongst other things, by rules of land-tenure, so also are they among the sources of these rules. Land is held in society and the form of society largely determines the manner of its holding.

621 622 fought each other and one was sometimes reduced to a subordinate position by the other. Such subordinate or minor chiefs did not always lose all power, some men often continued to live with them, but not many, for they were poor and could not afford the feasts that prosperous and powerful chiefs gave to their warriors. Nowadays the junior of the two young chiefs, in the majority of cases, becomes subordinate to his brother immediately, for the Administration normally recognizes the senior of the two only, and a salary is paid to him alone on the old chief's death.

[624] The number of villages which "come out" with each young chief usually varies between four and eight. But if a chief is subsequently reduced to a minor position he will often end his life with one village only of adult men and one village of their sons. For people move from minor chiefdoms and the depleted villages that are left gradually coalesce under the leadership of one of the great-commoners. The son of a minor chief may succeed to his father's position, but only one son will do so; a minor chiefdom is too small to be divided and has no formal "coming out" of its own; its young men attend the "coming out" of the superior chiefdom.

621 ● 423 So much in outline for the political constitution of the separate Nyakyusa chiefdoms. Some account of it was a necessary preface to the discussion of individual land rights, since it is within this political structure that they have validity. If, for example, the boundaries of a village are changed at the "coming out"—and they very frequently are—then no individual rights to village land can be maintained outside the new boundaries.

631 Prior to the arrival of the Europeans there was no paramount political authority among the Nyakyusa, but a number of tiny independent chiefdoms side by side, with minor chiefdoms in some cases attached to them. Of these traditionally independent chiefdoms there is none, I think, which to-day exceeds 3,000 adult male members, and most of them are far smaller than that. This smallness of scale, which is difficult at first for a European to grasp, is the fundamental characteristic of primitive society, in the organization of which personal relationships are predominant, wherein social relationships, that is, mainly subsist between personal acquaintances. In the old Nyakyusa polity impersonal relationships, effective social bonds linking together men who were personally unknown to one another, though they existed had relatively little importance.

648 184 Just south of the Nyakyusa, in what is now North Nyasaland, live the Ngonde[1] people, whose language and culture was and is very similar to that of the Nyakyusa. They were, however, slightly more civilized in that they were in closer contact with Arab and Swahili ivory traders; and

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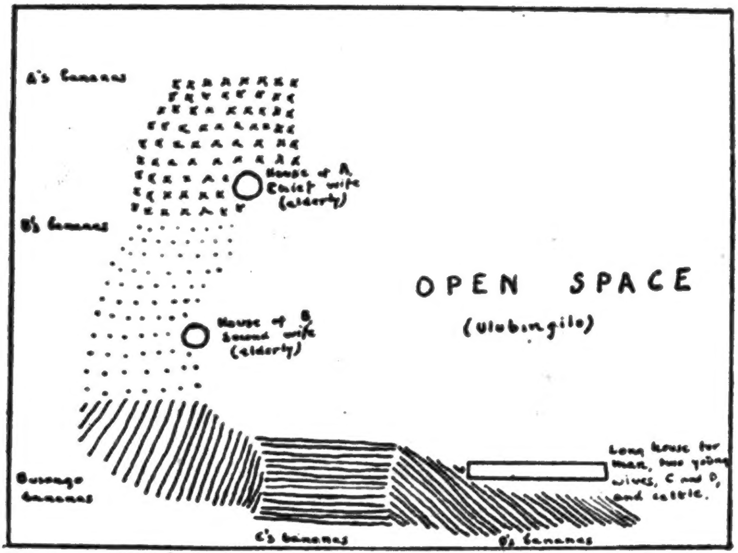
[1] Better known to Europeans as *Konde*.

Plan B


A's bananas
House of A, Chief wife (elderly)
B's bananas
OPEN SPACE
(ulubingilo)
House of B, Second wife (elderly)
Busongo bananas
Long house for man, two young wives, C and D, and cattle.
C's bananas
D's bananas

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The Homestead of a Rich Man

Each married man has at least one house and, if he is a polygynist, he often has several; young wives may sometimes share a house, older wives normally have one apiece. The land immediately surrounding a man's houses belongs to him and his wives and will be referred to in this paper as their "building site" or "homestead" (*akaja*). Each homestead is sufficient in size to hold not only the houses of one man but also his bananas and, maybe, a few small plots of beans, ground-nuts or some other crop as well; and it is there, under the bananas, that coffee trees are planted. But there is no room on it for the main gardens of the household. In the centre of every homestead is an open space (*ulubingilo*) carefully weeded and swept by the owner and his wives, who usually take great pride in thus keeping it clean.

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At some distance from the homestead—a distance varying from a few yards to two miles or more—lie the main gardens (*imigunda*) of the household, near those of other people. Each year different types of gardens are hoed together by groups of villagers; millet in one place, potatoes in another, maize and beans in another; so that the gardens of one particular household are scattered in different spots.

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After the man and his sons have hoed the gardens, clearing the ground first if necessary, his wives are each given portions of their own to plant, weed and reap. In hoeing for any particular crop the land is

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Further, if a young man's own father is poor in cattle, he will often attach himself to the household of a rich kinsman, a brother of his father or of his mother, and hoe regularly for him. This is far more paying than hiring himself out to a mere neighbour, for he thereby places his rich kinsman *in loco parentis* and eventually gets from him a substantial proportion of his marriage cattle. 464 602

6. *INDIVIDUAL RIGHTS IN RELATION TO VILLAGE GROUP AND CHIEF*

Land is not owned in any absolute sense either by the man and his household who live on and cultivate it, or by the village group, or by the chief, but by all of them together. Land tenure among the Nyakyusa is a coherent system of rights in which the chief as overlord, the age-village under the leadership of its great-commoner, the individual male holder, his wives and children all participate. In this the Nyakyusa are in no way peculiar, for " absolute ownership " of land is a fiction nowhere realized ; even in Western Europe the use of land is hedged by state and municipal regulations while the security of every owner's tenure is dependent upon political conditions which are not necessarily permanent. Everywhere, whether in civilized or in primitive society, the holding of land is " communal " in the sense that the individual's rights are dependent upon his social relationships, upon his membership of some group with a definite cultural idiom and social organization of its own ; everywhere the holding of land is " individual " in the sense that particular people have, at any one moment, definite rights to participate in the use and to share the produce of particular pieces of ground. 423

There is however at the present time a difference of type between the land-tenure systems of Western Europe and those of the Central African tribes. Rapidly though these latter groups are being integrated with the world-wide organization of modern civilization, the process is not yet complete ; and these systems of land-tenure still have some characteristics of the old primitive state wherein small and isolated groups were worlds unto themselves. For in some respects they are still isolated. The Nyakyusa, for example, are 400 miles from the nearest railway and, with the exception of a few small missions and plantations, they remain in occupation of all that traditional tribal land. Now in small and isolated social groups personal relationships necessarily dominate the holding of land for there are few or no impersonal relationships within their society at all. In the land-tenure systems of the vast social organizations of civilized society, on the other hand, impersonal relationship necessarily play an important part, though the precise legal emphasis which is laid 000 far as as men compete for land that rules of tenure are developed among them. And where competition is weakest there the rules are least strict.

In Nyakyusa society every married man holds land of his own for 423
building and agriculture, for there is still enough for all, and pastures his cattle on the grasslands of some village group. His land rights, in which, as we have seen, his wives and children participate, are conditioned at every point by his membership of a particular village, his allegiance to a particular chief and by the particular cultural idiom of his tribal group.

Before the " coming out " a boy's village, as we have seen, is built 361
on land assigned for the purpose by the parent village. A block of land 425
for building is set aside by the great-commoner in consultation with the other men as their sons begin to reach the age of leaving home, and there the boys are often joined later by contemporaries, sons of other villages of men. At first building sites alone are needed, but later, as the boys grow up and get married, they need gardens too and bring the adjacent ground under cultivation. In doing so they are careful not to infringe upon their fathers' land rights, they either hoe land which was previously unowned[1] or else that which has been specifically granted to them by the parent village. Into the nature of such grants of garden land before the " coming out "—whether they are block grants by the parent village as a whole to the boys' village as a whole, or separate grants by individuals to individuals—I omitted to enquire.

At the " coming out " a whole tract of land is formally allotted to each village of young men by the old chief and his great-commoners and within this tract individuals take up garden land by hoeing it. At the " coming out " it is said that " everything is made new," boundaries are redrawn and the new chiefdoms and villages of the young men are ceremonially incorporated.

The situation in which individual land rights in relation to the village 423
group and the chief are clearest to an observer is that of the taking up of land after a move, for it is in this situation that disputes are most frequent.

Mainly owing to their religious beliefs movement from one place to 166
another is constant among the pagan Nyakyusa. If a man or his wife or 754
child falls sick and does not respond quickly to medical treatment the witchcraft of neighbours is at once suspected as a possible cause ; there are always other possible causes too so diviners are consulted in order to decide between them ; but if the suspicion of neighbourly witchcraft is confirmed then the cure for the sickness is held to lie in moving. In every village " some people " are vaguely believed to have the power of

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[1] Vide infra. pp.41-2.

166 425 624 624 as Mwasumbi had, because there were some other maize-gardens adjoining it. The other land he asked for was not near anyone else's gardens, so he was told that he could hoe just where he liked."

Such is the custom of giving land to a newcomer, whether he comes from a different chiefdom altogether or from another village of the same chiefdom. He has no claim to any particular land but the villagers welcome him gladly and give some to him. If, however, a man returns after a period of absence to his home village then he has a claim, varying in strength in different circumstances, to enter again into possession of his old building site and gardens. But his claim is never an absolute one, it depends upon his relationship to the villagers and to the chief; they it is who decide it.

166 423 621 Let us first consider building sites. If a man moves from his home village leaving his house standing there and another is given the site, and if he returns before the house has fallen into disrepair, before it has had to be rebuilt, then the occupier will be evicted in his favour, the villagers will always admit his claim to that site. But only, of course, if they are in general prepared to have him back in the village; if he has been expelled for witchcraft or some other serious crime he has no possible claim at all.

When men move and leave their houses behind it usually but not always implies an intention to return in a few months. If they move because of sickness and the suspicion of witchcraft men are often invited back, as we have seen, and sometimes they accept the first invitation; and then, if they and their families remain healthy, all is well. If a more protracted absence is intended from the first then the normal custom is to pull down the house and to carry the bamboos with one.

A young Kukwe great-commoner gave me from his own experience an example of the eviction of a man in occupation of another's house: "While my father was alive I fell sick and moved to Mwankenja's country leaving my house behind without taking it down. And I returned quite soon again, I was not a year away. But meanwhile, when I first moved, a stranger came and was put into my house, he was not told that I might be returning; so he went into my house—but as he was a bachelor the house was too big[1] for him. Afterwards my friends remembered me and went to bring me back, and I came with them; and I said that as another man had been put into my house and as I was myself an owner of the soil (i.e. he was the son of an old family and so had the right to choose any unoccupied plot for himself anywhere he pleased) I would build elsewhere. But they would not hear of it and said that I must go back to my own house. So they informed the newcomer that the owner had returned and gave him another place."

[1] This is a boast, irrelevant to the main argument.

Again if the villagers expect a man to return and if they themselves 166
wish him to do so, then his homestead is normally kept for him. If he 423 ●
refuses their ~~first formal~~ invitation to return they may give his homestead
to a newcomer meanwhile, but only provisionally; and if he does return 621
later, whether by another formal invitation or on his own initiative, then the newcomer is moved elsewhere.

The difficulty arises when a man comes back unexpectedly to find 166
that a newcomer has been given his site unconditionally. Perhaps the 423
villagers are indifferent to his return and so have omitted to keep his site
for him; but far more frequently it is that he has been many years away 425
and has refused several invitations to return, and so has led the villagers 621
to think that he is never going to come back at all. But, whatever the reason, if his site has been given unconditionally to a newcomer, who has then built his own house upon it, the villagers cannot possibly evict the newcomer in his favour; his only chance of getting the old site back lies
in an indirect and tactful approach to the chief. The chief, as overlord, [622]
has the power to evict the newcomer if he chooses, but he may not choose to do so. And, if he does not, then the man will have to build elsewhere.

I was discussing these points with one of our servants whose father had recently moved from Bulindanajo, his home village in Mwaipopo's chiefdom in Selya, to a village in the adjoining chiefdom. I asked him to explain to me his father's potential rights, if he were to return later to his home village, to enter again into possession of his old homestead.

"If a man, like my father for instance, has moved and his friends wish him to return they go to fetch him back, but if he then at first refuses to return they may put in a stranger on his homestead. But in doing so they inform the stranger that the owner of the homestead is away in such a country, that he, the stranger, is just eating the bananas meanwhile (i.e. is only in temporary possession) and that, when the owner returns, he will have to leave this place and build on another site which they will then give him for his own. In that case when my father returns, if he wishes for his old site, his friends will move the newcomer away, because they have told him beforehand, and my father will have his own old site.

"As it happens, however, when my father did actually move recently they did not put any newcomer on to his site, but Mwakyoma . . . . one of his neighbours chose to build there himself. And him they do not inform of my father's rights, for he is already aware of them. If my father returns later his friends will turn Mwakyoma out telling him to go back to his own old site. For it always happens with a good homestead on which bananas do well that people covet it, and when the owner moves,

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[1] This is a boast, irrelevant to the main argument.*

*[This footnote refers to p. 36. — Analyst]

166 423 425 621 someone, coveting the vacant place, goes and builds there. But if it is a neighbour he knows that it is not his own and when the owner returns he relinquishes it and goes back to where he was before.

"It may happen, however, that the owner of a homestead moves and lives many years away; his friends go to fetch him but he continually refuses to return, until they begin to think that he has moved finally and forever. And, in that case, they may, perhaps, put a man in there without informing him of the existence of any other owner. The newcomer builds a house and thrives. And if the previous owner then after all comes back they do not evict the newcomer; shame prevents them, for they never told him of any such possibility. Then the old owner, as it were my father for example, seeing that another is in occupation of his site goes to a different village in the same chiefdom and asks for a site. But the great-commoner to whom he goes asks him why he is approaching him—'It is true,' my father then answers, 'that I have a place in Bulindanajo and the graves of my family and my trees are there, but another man has [622] built upon it.' Then the great-commoner gives him a site, but he also goes to tell the chief what has happened. Then the chief, Mwaipopo, summons the men of Bulindanajo and asks them why they have driven my father away, on his return to the country, from the site that was always his. The villagers admit their mistake but explain to the chief that, as they thought my father was never going to return at all, they put in another man. So they discuss the matter; and the chief, if he so wishes, may summon the present occupier and tell him that his friends deceived him by omitting to inform him of the probable return of the owner of that site and that now, as the owner has returned, they will have to move him and give him another site; and thus the chief evicts the present holder. But such an action must come from the chief, his neighbours cannot evict the occupier, for they gave him no initial warning. So then my father would return to his own old site. But maybe in such a case my father would himself prefer to build elsewhere, he would say to his friends that, as another had built on his site, he would be content to watch over his family graves from afar and to build in a different place."

As for his old garden-land, to that too a man has a title on returning to his home village, but it is only scarce and valuable ground that he will ever trouble to claim if others are in possession. At first, when he moves from the village, his fellows, if they intend to invite him back, keep his gardens for him just as they keep his house site; but if he refuses to return at first then maybe the ground is given to others. But he can always recover it later when he does return. It is easier to get old gardens back than it is to get a house site, for no great hardship is involved for an

evicted man. And it is even possible sometimes to make good a claim to 166
the old gardens of one's father, even although one has never hoed them at 423 ●
all oneself; this is more difficult however, the claim may be refused or 425
alternatively a compromise may be effected by dividing the land in 621
question between the claimant and the present possessors.

As an example of the keeping of gardens vacant for a man who is 166
expected to return we may cite the story of Nyambo, a Kukwe, as it was
told to me by a young man who lived near him. This case is of particular 423
interest as it brings out two points to which we have not yet referred; 621
firstly that the chief himself sometimes takes the initiative in inviting a 622
man back, and that his doing so widens the invitation to include all the villages of the chiefdom, not only the man's old home village; and secondly that it possible to build in one village of a chiefdom and own gardens in another. This second point will be discussed again later.

"A man named Nyambo moved because eight of his cows all died in quick succession and he thought that his neighbours, maybe, had bewitched them; but he moved without telling people of this reason. After he had spent eight months away, however, the chief sent his great-commoner to enquire of him why he had moved and left his chief wondering, and Nyambo replied that he had moved because of the death of eight of his cows all within a few days of one another, a fact which had led him to suspect that his neighbours hated him; and he would never, he told the great-commoner to inform the chief, be persuaded to return. So the great-commoner reported all this to the chief. Whereupon the chief suggested that it would be a good thing to go and fetch Nyambo back forcibly. And he, the chief, went in person with a crowd of men from Nyambo's old village and they just seized upon his furniture and drove off his cows and took them all home. But even so Nyambo refused to return and spent another two days where he was. Then they sent again to urge him to come back and at last he agreed because the chief himself had begged him to do so; he said, however, that he would prefer not to build in his old place, because his cows had died there, but rather across the river in the village of a different great-commoner. And so he did. None the less he continued to hoe his old gardens, and he still does so. They had left his gardens vacant because they had always meant to fetch him back. Now that he has returned and gone to live in another village they have given his old building site to a newcomer from Masoko, but his gardens are still his own."

The story of Kalonga, another Kukwe, exemplifies a man's right to 166
reclaim his own old gardens. It will be noticed that the ground which 423
he reclaimed was of particular value. 425

166 ●423 425 " Kalonga had moved from the country of Kissokola to Masoko and other people had taken his ground and hoed it. It is the kind of ground which we call *umfweje*, rich soil near water. Kalonga had moved because of illness, several of his children had fallen sick and more than one had died. After he moved his neighbours never went to invite him back.

166 423 425 622 " Now Kalonga himself did not come back to live, but he brought back his mother. She had gone with him, but then she began to complain that he had taken her to an unpleasant country and she would prefer to go home ; so he came back just to build a house for her. He did not build for her in his old village but asked another great-commoner (of the same chiefdom) for a site ; he did however go to the chief to reclaim his old garden (the *umfweje* to which we have already referred). Now four men had divided the ground between them ; they had approached the great-commoner and asked for it and he had referred them to the chief, fearing that he might be blamed for giving the ground away if Kalonga should return subsequently. And the chief agreed that they should take it, so as not to let it lie idle.

" So when Kalonga came and reclaimed it the chief pointed out that he had moved and left the country (and so had no claim to the land). But no, Kalonga replied, he had not moved, for see he had brought back his mother and built a house for her, which was exactly equivalent to living in the chiefdom himself. And the chief admitted his argument and agreed that, so soon as the present holders had reaped their standing crops, he should re-enter into possession of his own ground. So now Kalonga comes regularly with his younger brothers and they hoe the land quickly (being many) for their mother and go home again. Kalonga is of an old family and his father is buried in that chiefdom."

166 423 And finally the story of Enoch the son of Mwakajileke, another Kukwe, well illustrates the more limited rights of a son to claim his father's old gardens which he himself has never hoed.

425 622 624 " Mwakajileke built in the village of Ibungila, and he died there in 1925. He had three sons, all of whom moved after his death ; one of these sons, whose name was Enoch, went and built at Kyimbila ; and meanwhile the chief gave the garden-land of Mwakajileke to other people. Part of this land was cultivated by a commoner named Gwaselya but he too, later on, moved into another chiefdom and the land was left unused. Then Enoch returned to the country to find that no one was now hoeing the ground which his father had used to hoe, so he approached Mwangokile, the great-commer, and asked for it : ' As no one is hoeing your father's land,' Mwangokile replied, ' you may go and hoe it yourself, but there are some other men who want it and they have already asked me for it, so I must divide it between you.' So he went with them and marked

166 out boundaries, drawing lines on the ground; he divided the land into
●423 three portions, one for each. The others were strangers to the chiefdom
425 but had taken a fancy to that piece of land."

622 The sentence in this story "The chief gave the garden land of
624 Mwakajileke to other people" deserves remark for it in no way implies
any other custom than the one we have previously described. And it illustrates the dangers of relying too much on verbal statements of custom. When a stranger is given land by a great-commoner after reference to the chief he is commonly said to have been given it by the chief. The chief, from one point of view, is the overlord and the great-commoner acts for him. But, and this is an essential qualification, the great-commoner nearly always so acts for the chief and, save exceptionally, it is wholly incorrect for the chief to grant land directly. The great-commoner acts not only for the chief but also as the representative and leader of the villagers; and in relation to them the chief cannot exercise his rights of overlordship save occasionally and in particular circumstances.

166 The old Kukwe great-commoner whom we have already quoted
423 explained this to me very clearly: "Occasionally one of his own men will
ask a chief to give him ground to hoe in another village, 'If indeed you
425 say that the land is yours!' (challenging the chief to assert his right of
621 overlordship). Then the chief agrees that all the land is most certainly
622 his; but still, if it is possible, he tells the man to go to the commoners of
that village and ask them for land. If the chief does not do this (but makes a direct grant of land) we blame him for not being a true chief: 'Who is it,' we ask him, 'that has built up this country? Did you do it all by yourself? It is we the commoners who have built it up! And how is it, then, that you give this man land without consulting us?'"
[754 Nor is the censure of his people mere idle talk for a Nyakyusa chief, he
626] fears that they may bewitch him, that the witches among them, led by the
great-commoners of the several villages, may come in dreams at night and cause him to sicken or to die.

166 So much for the initial grants of land to newcomers and the rights of
423 men returning to their home chiefdoms. If a man goes back, after
moving, to a chiefdom which is in no sense his home, where, that is to say, he is not a member of an old family but in which he has himself spent some years, he is treated as a newcomer. He is welcomed but he has no rights to the ground, whether building-site or gardens, which he previously occupied.

423 Once established in a village, however, any man can hoe any unowned
425 ground within its borders and thereby make it his own. A newcomer for

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the first few years, until he has become familiar with the details of the rights of the other villagers, will normally ask for more land as he requires it, in order to avoid unwitting trespass ; but an old member asks nobody. If, however, it is desired to hoe land to which some other villager has a prior claim then his permission, as the owner, must first be asked. Any previously unowned land that an ordinary commoner once hoes is his property, all informants agree, so long as he remains a full member of the village. Within the village there is thus a theory of continuing ownership but, as we have seen in discussing the reclaiming of land after a move, it is only to the more valuable ground that it is strictly applied. A valuable garden may be left fallow for years but, so long as the owner is a member of the village, no one can take it without asking his permission ; nor is he under any kind of obligation to give it away when asked. " If a stranger comes," a great-commoner told me, " and we commoners of the village want to give him some old gardens of one of our number we ask the owner to give the ground to the stranger ; but if he refuses we cannot insist."

Many gardens, however, are not in fact continuously owned ; men not infrequently hoe less valuable ground that has been left two or three years fallow without asking the permission of the previous holders, as they should strictly do. So long as the ground is relatively plentiful no objection is usually raised, but it always may be ; and the increasing scarcity of land under modern conditions is already prompting some men to a new insistence upon their rights.

" In our country," a young Kukwe told me, " it is the maize and bean plots which are the most valuable, because we hoe them continuously, year after year. . . . Land for other crops is plentiful, so much so that if a man leaves one of these gardens fallow only for two years then anyone else who wishes can come and hoe it. Nowadays, however, the custom is changing a little and some men like to keep the same gardens continuously for all their hoeing."

In the case of the most scarce and valuable ground of all, that in the bottom of old volcanic craters, the principle of continuous ownership is carried furthest. Rights in it have always been insisted upon and whenever a holder of such land moves from the chiefdom then the nearest kinsman of his who lives there steps in and claims it. And here the village group ceases to be of any importance. It may be that long ago the land in each particular crater was owned solely by the members of some particular village but now it is held by old families scattered all over the chiefdom in which it lies. Apart from the craters, however, all arable land can be truly said to belong to some village or other.

It is, none the less, quite possible to hold garden-land in a village without being a member of it, but only if the land is kept in effective use.

We have already seen in two examples that a man, when returning to the chiefdom from which he has moved, may recover his old gardens even though he builds in a different village. And it frequently happens also that a man comes to a village and asks for garden-land only, continuing to live in another village, or even in another chiefdom. Such requests the villagers always, so far as I know, grant willingly, for once a man has taken up land in a new village there is every prospect that he will one day move altogether and build there. In case of sickness he is more likely to move to the group where he is already half-established and sure of a warm welcome than anywhere else. 423 425

When a man moves he has the right to reap the crops standing in his old gardens so soon as they ripen, but after that the ground, save in the case of craters, reverts to the joint ownership of villagers and chief. And his building plot and bananas revert to them immediately. The next-door neighbours on either side keep the bananas clean and eat the fruit themselves until the plot and the bananas are given by the villagers, with the chief's approval, to another man. If the previous holder has moved to a place without bananas and not very far away he may, in the first year, send to his late neighbours and ask to be allowed to cut and carry away some of the banana fruit "for my bananas in my new plot have not yet grown." But his request is of grace and not of right, it may be refused. If the villagers like and respect him and hope to persuade him to return later it will always be granted, but if they dislike him and are glad to be rid of him then it will not. If the plot is a separate one without immediate neighbours then no one keeps the bananas clean and, unless someone else is given the plot soon, they get choked with weeds and die.

When a man dies the heir takes his wives, his cattle and his moveable property, and, if he comes to live in the dead man's village, his land also. But if the heir remains in his own old village[1] he has no rights over the dead man's land. The situation is then exactly comparable to that which obtains when a man moves from one village to another, his land rights in the old village lapse. 423 428

Rights in trees differ in some respects from rights in land and they differ also for different kinds of trees; and here, as an added complication, we are also faced with a difference of local custom. 423

Prior to the introduction of new trees by Europeans the only ones of any great value to the Nyakyusa were the bamboo (*ililasi*) and the *unsyunguti* tree, whose botanical name I have been unable to find out. Bamboos 423 824

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[1] Owing to the age grouping among villagers and the long period which traditionally separated one pregnancy from another in a woman's life it is unusual to find full-brothers in the same village.

423 824 are used for house building, while the *syunguti* produces a fruit (*indilolo*) which is both delicious to eat and also full of seeds which are dried and crushed for ointment (*inyemba*). Of the two trees the bamboo is the more valuable.

423 425 621 Now among the Kukwe and Selya groups rights in these trees are somewhat similar to rights in the valuable crater plots. When a man moves, his bamboos and *syunguti* trees, unlike his bananas, do not revert to the villagers; normally they continue to belong to his nearest kinsman in that chiefdom, who cuts and uses the bamboos and picks the fruits of the *syunguti* trees. If the villagers give the site to another man then the newcomer has no rights over these trees unless the kinsman himself gives them to him. But it sometimes happens that, where only *syunguti* trees and not bamboos are involved, the kinsfolk do not bother to exercise their rights; then the trees are treated like bananas, picked by the neighbours until a newcomer is given that plot, and then by him.

423 425 622 If however, among the Selya and Kukwe groups, a man moves leaving no kinsfolk near at hand, then the chief (*umalafyale*) as the supreme overlord has a right to his trees, and if they are near the chief's own place this right is exercised; he cuts and uses the bamboos and his wives pick the *syunguti* trees. If another man is given the land by the villagers to build on then he goes and asks the chief to allow him some of the *syunguti* trees, and his request is usually granted, the chief gives him two or three of the trees, keeping two or three for himself. But the bamboos, being more valuable, are usually kept altogether by the chief. If, however, the ownerless trees are at a distance from the chief's place then he normally does not trouble to claim the *syunguti* trees but only the bamboos. The former are at first picked by the neighbours and later given by the villagers to a newcomer together with the site. And, even with the bamboos, if they are a long way from the chief's place a "good chief," they say, will allow the newcomer to cut some of them without payment; but it is wholly within the chief's power to keep them all for himself if he wishes, and "bad chiefs" do so. Furthermore a chief does occasionally also exercise his right to claim an ownerless *syunguti* tree at a distance. If one of his wives comes and complains to him that she has no *syunguti* tree of her own, then he takes her to a site from which someone has recently moved leaving ownerless trees behind and there he gives her one of the trees; the rest he leaves as usual to the villagers and so to the newcomer.

423 621 Bamboos are men's property and only a man can claim them but *syunguti* trees can be claimed by a kinswoman, a sister or a daughter, of the old owner if none of his near kinsmen have troubled to do so.

423 178 We must here take note of a most significant modern development. In the old days rights in trees could only be exercised by members of the

same chiefdom in which the trees were growing ; for between chiefdoms 423
an actual or potential state of war always existed, and a man coming from 178
a hostile group to claim property would have been driven away violently. But to-day under European rule it is now customary for a man to cut his own bamboos, if he is living in a neighbouring chiefdom, instead of leaving them to his resident kinsfolk. The group within which property can be held is gradually widening.

Such is the custom among the Kukwe and Selya groups ; their 423
rights in bamboos and *syunguti* trees are not normally lost when a man 681
moves provided there are kinsfolk left nearby to exercise them. The one exception to this rule is in the case of expulsion for witchcraft or other serious crime. Then even if the man expelled has left kinsfolk behind him, still the chief takes his trees.

Among the Nyakyusa proper, on the other hand, the *syunguti* trees 423
are treated like bananas. When a man moves he loses all rights in them 425
and, unless the chief steps in to take them, as he always may, they are 621
granted by the great-commoner, together with the soil, to the newcomer who is put on that site. Bamboos, as in Selya and Kukwe country, continue to belong to the kinsman of the man who has moved.[1]

Trees introduced by the Europeans, of which coffee trees are the 423
most valuable, have been declared by the Federation of Chiefs to be the
property of the planter, even although he has moved to a different chief- 177
dom. This law was made after much anxious discussion between the 245
chiefs, the Administration and the Agricultural Department and is, of course, subject to revision if it is found after trial to be impracticable. In the case of coffee it has inevitably been modified in practice since coffee must be tended continuously if it is to remain free from pests and to bear fruit, and any man who actually looks after coffee trees has a generally admitted claim to the crop unless he is paid by the planter for his labour. The planter, however, in surrendering the trees to him may compel him to pay something for their initial value.

Further, as the Agricultural Officer has the right to uproot any untended coffee trees and must exercise it if pests are to be kept under control, the practice has grown up of his taking over any large number of abandoned trees and keeping them clean with labour paid by the Native Treasury ; the trees are subsequently sold to some other man and the proceeds paid into the Native Treasury again. If, however, a planter of coffee trees makes arrangements, when he moves, for the cleaning of his coffee then the trees remain his own.

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[1] Some informants deny this and insist that they always pass to the chief. I was not myself long in Mungonde among the Nyakyusa proper and I lack conclusive evidence on the point.

423 The legal practice in this matter is still in process of formation and I quote the most recent account of it which I have in my notes without claiming that it is either complete or wholly accurate.

"If a coffee-planter who has moved," I was told, "either keeps the coffee trees clean himself or sends people to do so, then the trees are his; if, however, he does not keep them clean and another man builds on that site and looks after them then they belong to the latter, for he it is who keeps them clean. But if both men concerned (both the planter who has moved and the newcomer on that site) want to have the trees then they belong to the planter, and no one can take them from him.

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"Or, alternatively, if there are a great many coffee trees and their owner has moved (without making arrangements for cleaning) then the Government takes them and looks after them and sells them subsequently to some other man who can afford to buy. And if, maybe, a newcomer on that site has been keeping some of the trees clean, but not all, then the Government leaves some to him and takes the rest.

"And if a planter who has moved wishes later to come back to his old site then great pressure is put upon him to make a payment to the man who has kept the trees clean meanwhile.

"Aswile, for example, had planted coffee in his home in Kissokola's country but then he moved away and went to work (for Europeans); and when he returned from work he built at Kyimbila Mission. Meanwhile Mwankungili had succeeded to his site in Kissokola's country and had been looking after the coffee trees; but no sooner did he begin to pick the coffee than Aswile came and wanted to know who was daring to pick his coffee. Mwankungili explained that he was doing so because he had spent a great deal of time and energy in keeping the trees clean; and the two men disputed each other's claims. So Aswile took the case to Mwangoka's court, and it appeared that there were seventy-five trees in bearing with other younger ones as well, and that Mwankungili had looked after the trees, hoeing round them, for nine months. The court enquired of Aswile whether he had not moved; but he denied having done so and maintained that his absence was only temporary, that he had every intention of returning soon. Mwankungili then pointed out that he had built a house at Kyimbila and actually planted some more coffee there! And that was a proof that he had really moved. So the court sent a messenger to Kyimbila to see, and his report confirmed what Mwankungili had said. The court then asked Aswile whether he had given instructions to any relative to look after his coffee trees; but no, he had not. So he was then told that he must pay Mwankungili for his labour; but this he refused to do. The final judgment was that he must either pay Mwankungili for his labour or else leave the coffee trees to him.

"Aswile thereupon appealed to Mpuguso (the appeal court of the 423 ● Federation of chiefs); he absolutely refused to pay Mwankungili any money at all, but finally he agreed to give him some of the coffee trees. 425 So he went with Mwankungili and a court messenger—and a crowd of people went with them to see this new custom—and divided up the trees, keeping the bulk for himself but giving some to Mwankungili in repayment for his hoeing. And Mwankungili accepted the division. Now Aswile's younger brother, who lives nearby, is looking after Aswile's trees and Mwankungili is looking after his own."

The same informant also told me of another case: "A man who had lived in Kissokola's country moved to Mbalisi (in Mbeya District) and died there later. Now while living in Kissokola's country he had planted forty-five coffee trees; all of which were now (at the time of the case which is being related) very large; and there were also some smaller trees as well. So then his heir, a brother, came back to the country to find that another man had built on that site meanwhile. But when he raised the question of the coffee, the occupier answered him amicably and said that he would buy it; and he paid 35/50c. for the trees. And then the heir took up land elsewhere in the same chiefdom. He had not wanted to claim the old site, only the coffee trees."

But still there remain difficulties of practice of which the fundamental one is that of owning *and tending* trees on another man's ground. *Syunguti* trees can be owned on another's homestead without difficulty for they require no attention, but it is hard to draw the line between the ordinary weeding and sweeping of the open space (*ulubingilo*) and bananas and the weeding of coffee trees that grow there. "Am I not to be allowed to sweep under my own bananas?" one man said indignantly when he returned to an old site of his to find coffee growing upon it. Where the coffee trees are still young the difficulty is sometimes got over—to the great displeasure of the Agricultural Officer—by transplanting them. But with older trees this is impossible.

Pasture, unlike garden land, is jointly owned by the whole village 423 group and no individual has any exclusive rights to any portion of it. The detailed discussion of grazing-rights thus falls outside the scope of this paper, but two points must be noted here. In the first place every member of a village has the right to graze his cattle on the village pastures and this right may also be granted to an outsider by the great-commoner in consultation with his neighbours. And, in the second place, when any member of a village takes up new garden land by hoeing it he must not, in so doing, encroach unduly on the village pastures.

423 In his tenure of land every Nyakyusa man is related to some chief
who is his overlord. But their relationship is not confined to the single
622 element of land-tenure, it is just as many-sided and complex as is any
other human relationship ; and even as we abstract from it the particular
set of facts that immediately concerns us here we must at once refer them
again to it if they are to be intelligible.

When a newcomer is received into a village and given land the chief,
166 as we have seen, is normally a party to the villagers' action, and in most
423 cases he himself ceremonially welcomes the newcomer if he comes from
622 outside the chiefdom by sending to him a present of cooked food. He
has gained a new subject and his power and prestige are thereby increased.
[427] As men are quite free to move from one tiny chiefdom to another and as
land is still relatively plentiful the phenomenon of rent does not exist
among the pagan Nyakyusa, there is no direct charge ever specifically
made in return for the right to build and cultivate. Nevertheless a chief
is a chief and his subjects' land is his as well as theirs and they are under
certain obligations to him.

622 Among these obligations that of providing cooked food for the
554 ceremonies of the chief's own immediate family is probably the most
important. When a chief's daughter, for example, is getting married
[585] women from all over the chiefdom bring food to entertain the bridegroom
and his friends on the day that they bring the bulk of the cattle. The
obligation to bring food, though not a legal one, is both reciprocal and
conventional. The chief is expected to kill one or two of the beasts to
feed his people and if he is mean about this, killing one where he should
have killed two, then on the next occasion his people are more reluctant
[626] to bring food. But there is also the sense of shame constraining
individuals. If the majority of households in a village provide food for a
chief on such an occasion, and the majority I think nearly always do so,
then the shameful meanness and unconventionality of defaulters is the
subject of adverse comment among them.

A chief also has the traditional right, still widely admitted to-day, to
send and take food, especially milk and bananas, from his subjects if he
has need of it. And we have seen already that men with more than one
wife are prompted to retain *busongo* bananas for themselves in order to
meet his demands without upsetting the peace of their households. This
[177] traditional right however is known not to be admitted by the European
Administration, on the grounds that a salary has taken its place, and is
therefore beginning to fall into disuse. Chiefs, I was told, often fear to
exercise it lest some man refuse obedience and take a complaint to the
Boma, nor are they willing to confine their demands to those men of
whose compliance they are certain. As the salary of an ordinary chief,

425 him if it was his idea that the village should die out and leave him, the
622 great-commoner, without men ? As he had moved, the great-commoner
would have continued, the place was presumably distasteful to him and
624 it had now been allotted to another man. The claim would certainly
have been disallowed ! "

425 The examples in this paper have been taken almost entirely from
797 pagan families. For Christians the situation is very much the same
except where they live actually on mission land, there they are tenants of
427 the Mission concerned and pay rent to it. And Christians, wherever
they live, tend to be more stable in their occupation of land, since they
are not forever moving in fear of witchcraft.

7. *CONCLUSION*

178 I have striven in this paper to make the individual land-rights
possessed by Nyakyusa to-day intelligible to the European reader and to
● 423 demonstrate to him their determining factors. Of these factors the
following are the most important. The Nyakyusa were until recently an isolated and primitive people and so bring with them into the modern world a legal tradition based upon small social groups. This tradition is being inevitably modified both in theory and practice under modern conditions, but not out of all recognition ; for they are still a relatively isolated people and the system of indirect rule secures them, in general, against arbitrary legal changes. Within their legal system individuals have, as in any system they must have, certain precisely defined and enforceable rights—among them rights in land.

Many kinds of land, however, are plentiful, though less so than of old owing to the growth of population, the opening of new markets for food and the recent introduction of ploughs. And this cheapness of land is reflected at times in a lack of rigour in the enforcement of rights in it which is unfamiliar to the European observer. Sufficient land for all is a fundamental condition of Nyakyusa society in its present form, which has no place for a landless man.

[166 And, finally, the habitual movement of men with their families from
one village to another to escape the witchcraft of their neighbours leads to
691] a constant transfer of homesteads and gardens and is the main cause of
difficulty in the administration of their laws of property in land and trees. This difficulty is greatest in the case of the newly introduced coffee trees which need continuous tending.

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crops are planted at different seasons of the year so that there is always 512
some hoeing to be done.

In a polygynous family each wife has her own fields (*embaka*), hoed 595
by her husband and her own sons, which she plants, weeds and reaps 241
with the help of her own daughters, and the produce of which she uses to 423
cook for her husband, her own children and herself. The relative rights of husband and wife to dispose of produce vary with different crops, but no co-wife has any rights over a woman's food. She may, and often does, ask her co-wives to help in her fields and sends them presents of cooked food from her own fire, she may help them and receive presents in return; but they have no rights over her fields or her food, only her husband and herself. And the fields which are hoed by a bachelor son belong to his own mother, who in her turn cooks food for him to eat.

Each wife has either a hut to herself, or else a separate alcove in a 595
large hut, and there she has her fire for cooking. She fetches her own firewood and water or sends an unmarried daughter for them.

At meals the ages and the sexes eat separately; in some polygynous 264
families each wife sends a dish to the husband, in others the wives take it 595
in turns to cook for him. The husband eats alone or with neighbours of his own age[7] to share his dish, the older boys and their friends[7] eat separately from the younger children, and each mother again usually eats with her own daughters, apart.

In the relationship of husband and wife the chief elements are sexual 593
intercourse, co-operation in work, the procreation of children and factors 577
of personal inclination, character and temperament. By men women 581
are praised for sexual skill, cleanliness and beauty, for good cooking and hard work, for their fecundity, and for gentleness of speech and behaviour, and those with opposite qualities are criticized. Among women men are praised for sexual skill and attentiveness, for vigour in hoeing and skill in house-building, and for kindness; while sexual neglect, laziness, impotence and cruelty are disliked and may cause a woman to leave her husband for another man.

The birth of children is a most important factor in the marriage 842
relationship, for children are greatly desired both by men and women. 595
They are desired for themselves and also because they bring their parents 581
wealth and prestige; a boy will one day work in the fields of his father and mother, a girl will bring in cattle from her marriage. And the possession of children brings compliments and respect both to man and woman.

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[7] Vide infra "*The Age-Village.*"[1]

[1] [Cat. 116, pp. 269 ff. --Analyst]

The age system of the Nyakyusa has been described in detail in 561 *Good Company*,[1] but, since it forms the basis of their social structure, 621 a brief explanation must here be given for the benefit of readers unacquainted with that earlier volume. Within each chiefdom there are a number of villages composed not of kinsmen but of age-mates. Villages begin when small boys of eight or ten years 857 build together at a little distance from their fathers. They are joined by younger brothers, as these reach the age when boys stop sleeping at home, until the eldest are in their middle teens, when [883] the youngsters will be told to begin another village. The boys of a village have their own leader, a 'natural' leader, not specifically appointed, but they are subject to the headman of their fathers' village, and formerly fought as a group under his direction. But [622] at the 'coming out' a headman for each village is selected from among its members by the fathers: if he dies, his heir—a younger brother or son—inherits his position, so that sometimes a young man becomes headman of an old men's village, taking the name and social position of his father. Only commoners are eligible as headmen: we knew one candidate who was rejected because his great-grandfather was a chief.

Two villages in each chiefdom are senior to the others and their [634] headmen are responsible each for half of the country. During the 'coming out' ritual the chief marries two wives, 'mothers of the country', and one is established in each senior village or capital (*ikitangalala*). The eldest sons of these two wives are the heirs, and later divide the old chief's country between them. Most of the chief's junior wives are divided between the capitals but some may be settled in a colonizing village in unoccupied country. All the chief's sons build with commoners in villages appropriate to their age, and all save the two heirs are subject to the commoner headmen of their villages. They are entitled to some respect as 'sons of the chief', and those of strong personality gain a following and settle disputes between their fellows (as may any commoner), but only the two senior sons can claim political authority.

Before the 'coming out' the villages of young men and their 561 fathers adjoin, for the boys have built on their fathers' land, on 621 the fringes of their fathers' villages. But at the 'coming out' there 884 is a new deal in land. The young men are established in the centre 423 of the country and their fathers move to the periphery; it is not merely that fathers and sons exchange land, but all the boundaries

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[1] Monica Wilson, *Good Company*, 1952.

are redrawn and only the fields in old craters (the most prized 561
and fertile of all) are not re-allotted. Thus the villages of kinsmen 621
of two generations adjoin, and often those of three generations. 884

On the old chief's death his village headmen become priests of 423
the grove in which he is buried, and, in co-operation with his sons,
the new chiefs, sacrifice there on behalf of the two countries into 634
which his old chiefdom is divided. There is a nice balance of 793
power between chief and village headmen in life, and when he 622
dies his two heirs and the headmen (or their heirs) continue to share power, the power which belief in his spiritual force and their ability to guide it gives them. The success or failure of rituals is held largely to depend upon the personal relationships of the leading participants, chiefs and commoner priests.

Besides the ordinary commoner priests (the village headmen of 793
a past generation or their heirs) there are priests of the chiefs' lineage, usually belonging to a junior line to which specific ritual functions, such as rain-making, have been entrusted, and whose office is hereditary in the same way as that of a chief. Kasitile (86),[1] the rain-maker, is such a priest: his grandfather was the brother of a ruling chief (43) and had been appointed as rain-maker (*umpelafula*) and priest (*unyago*), the two functions being separate but overlapping. As rain-maker Kasitile tended the rain stones, as priest he initiated the rituals in certain of the sacred groves, though he did not actually officiate himself. Kasitile was a key informant on ritual and a chapter is devoted to his history, since it epitomizes the relationships between chiefs and commoners.

As we have shown, most of the Nyakyusa and Ngonde chiefs 634
claim some sort of kinship with one another. Those who are nearly 796
related pray together at the groves of their common ancestors, 769
and those more distantly connected join in sacrifice to their founding fathers, but in the communal rituals kinship is neither the dominant theme nor the exclusive principle of association, as it is in the rituals celebrated by private persons. In the communal rituals most of the priests are commoners unrelated to the dead who are honoured, and the sacrifices are held to benefit not only the descendants of the dead, but all those who live in the countries they once ruled. Nevertheless, the symbolism of the communal rituals constantly recalls that of the rituals of kinship; themes which pervade the death ritual recur again in the rituals of 'coming out' and 'cleansing the country'. This background is

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[1] Numerals after a name refer to the genealogy of Nyakyusa chiefs facing p. 3.

643 symbol of potency,[1] and we suggest that this also is an element in
622 the ritual of the 'coming out', for the fertility of the chiefdom is
796 thought to be bound up with the virility of the chief.

[372] There are a number of stories about the way in which Mwakyusa
(38) surpassed his brothers and one of them tells how each
brother made fire and set alight the pasture land (for traditionally
parts of the pasture land were fired each season to provide fresh
grass for grazing in the early spring), and the fires started by the
elder brothers soon died out, but that started by Mwakyusa
'burned for a whole month'. This is interpreted as an omen of his
greatness as a chief: fire, potency, lordship are inextricably linked.

At the 'coming out' all things are made new. No matter how
[561] crowded the country the young men must move to new sites and
the shelters in which they live must be new, though, as will be
[356] shown, they do not necessarily move to *unoccupied* country. On
their new site the young men live as bachelors, milking their
cows and cooking for themselves on their new fires the meat of the
cattle they seize, the bananas and grain brought by their wives
and mothers. Meat is abundant, for the young chief now rules
and has the right to take what cattle he chooses, even from the
villages of the old men in his country. 'It was as if there were war,
[726] the young men seized cattle, food, and women', and though they
did not fight their fathers directly, as the Meru did, they clearly
asserted their power. And, as so common further south, the
accession of a chief was the occasion for raiding the neighbours:
[778] the young men, we were told, went forthwith to test the efficacy of
the magic spears and the medicines with which their chief and
headmen had been treated. Or the chiefs might lead a battue to
clear the country of wild pig, as Mwakatumbula (Mwambete 162)
did directly after his 'coming out'. Well fed and exuberant, the
[574] young men dance and display their cattle, and entertain visitors
lavishly, for every chief seeks to attract men to his country by
his hospitality.

Then they set up the sign and memorial of the chieftainship:
[824] they plant cuttings of two species[2] of *ficus*, *indola* which is much
used as a shade tree, and *umpandapanda* from which bark-cloth is
● [423] made. Close to these the first house of the chief and that of his
senior village headmen are built, and the trees also mark the

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[1] Monica Wilson, *Rituals of Kinship*, pp. 124, 143.

[2] When writing *Good Company* I mistakenly thought that two cuttings of the same species were planted. Cf. *Good Company*, p. 27.

future boundary between the two halves of the chiefdom, where 622
it will split the next generation. They serve as beacons[1] and are 643
cited as evidence both of the 'coming out' and of the division of 796
land in any later dispute. At the same time the trees are symbols 824
of chieftainship and with their growth the success of the reign is
mystically linked. According to one account, 'four headmen fetch [423]
the cuttings and the young chief stands between them (*vide plate* 6) and tells the trees to grow well, and the others say: "We are planting you likewise, we are at the ritual of establishing a new chieftainship, you are a symbol for our chief, spread branches that our young headmen and other people may rest in your shade."' A doctor assists at the planting, burying at the roots a live white sheep and medicines, which, it is said, later turn into the lions or leopards which protect the trees from the impious (*vide infra*, p. 58); and he sweeps beneath the trees, a symbol of what the senior headman must do in future, for it is his duty to 'watch over the trees'. In Nyakyusa thought, village headmen are an integral part of chieftainship—it cannot exist without them—and the trees symbolize *both* the chief and his lady and the two senior headmen. The same informant (well known as a doctor for the 'coming out') told us: 'It means we are planting the chief and his lady; *umpandapanda* is the herd to herd *indola*, which is the more important. *Umpandapanda* is the woman, it may dry up, but *ulupando* (*indola*) never does; it is the chief, it is familiars (*ulupege*). but *umpandapanda* is not', and a moment or two later, 'the *ulupando* is the senior village headman, *umpandapanda* is the junior head-
man'. The strength of the chief is associated with the growth of [787]
the trees. If these trees go dry the reign will not be successful, the chief will be defeated in war. If they flourish and grow the reign will be successful, the chief is a ruler. The *indola* planted for Mwaijonga (82) is shown proudly by his great-grandson, and Mwambete (162) who had a long reign and an enormous family boasted of the size of his *umpandapanda*—'a great spreading tree'. Ideally the young chief should, in due course, sit in the shade of his *indola* with his headmen, to settle disputes. 622

After the trees are planted the young men build their senior 643
headman's house and the doctor sets up his hearth bricks, burying 796
medicine beneath them also. The marriage of the chief follows.[2] 585

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[1] cf. D. Kerr-Cross, 'Crater-Lakes north of Lake Nyasa', *The Geographical Journal*, v, IV (1895), p. 117. [113]

[2] According to most accounts, but *vide infra*, p. 56.

CHAPTER VI

LAND AND POWER

643 THE crux of the chiefs' 'coming out' was a redistribution of power
561 and of land, and we must pause in our description of the ritual
423 cycle to discuss the relation between chiefdoms and villages and
the land, and to consider more closely the balance of power
between successive generations.

(*a*) THE TERRITORIAL ALIGNMENT OF CHIEFDOMS AND VILLAGES

173 Tradition makes it clear that the heroes came to a sparsely
361 occupied country and that their descendants gradually spread
out as their numbers increased. The settlers chose to live on
hillocks overlooking the surrounding country. Lubaga and
[103] Mbande, the seats of the two 'divine kings' are commanding sites.
[778] The grove of Kabale, where the ancestors of the Kukwe chiefs
first established themselves, is on an eminence rising from the
plateau, and Kambasekela (near the Mbaka bridge) on which the
early chiefs Mwaipaja (21) and Mwaipopo (26) were buried is a
hill very like Mbande, overlooking the plain.

361 Unlike most of their neighbours the Nyakyusa show a preference
for cleared and cultivated land, planted with bamboos and the
[824] oil-bearing *unsyunguti* trees (*Trichillia supp.*)[1] as well as the great
umwali (*Chorophora excelsa*) which, in their view, adds dignity to the homestead.[2] A study of the trees planted at the 'coming out' and the sacred groves in Mwaipopo's chiefdom (C 24)[3] shows that for four generations the ruling chiefs (descendants of Mwaijonga 82) have established their principal villages within a quarter of a mile of one another, and for seven generations the descendants of Mwakisambwe (30) have lived within two or three miles of one another (*vide* plan, p. 101), though there were acres of fertile land

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[1] I am indebted to Mr. P. B. Nightingale, Forestry Officer, Tukuyu, for giving me the botanical names of these and other trees.

[2] cf. Monica Wilson, *Good Company*, pp. 77-8.

[3] C followed by a number is the reference number of a chiefdom as listed in the genealogies of chiefs.

361 available which are only now being settled. Colonies are established, but usually by junior sons, the seniors remaining near where their fathers built; e.g. the descendants of Mwakasangule (22) remained near Lubaga, but Mwakisambwe (30) the junior heir moved to Mbyanga about 1750 and his senior great-great-great-grandson Mwaihojo (147) lives close to Mbyanga still, while Mwaijonga (82) the junior heir settled two or three miles away. Mwakyusa (38), a junior son not strictly an heir at all, but personally very popular, was defeated by his elder brothers and driven from the hills to the plain, where his descendants now live. It is not an invariable rule that the junior should move away—for example Mwambete (162) of the junior line lives close to Kambasekela where his ancestor Mwaipaja (21) is buried, and not Mwakibwele (182) of the senior line—but most often it is the junior who moves. The tradition is that the junior heir of a chief leads off his men as colonists at his 'coming out', and this may indeed have happened in the past, but the area of colonization in Mwaipopo's country (which we have observed over twenty years) was first opened by private individuals moving into unoccupied savannah forest land in search of virgin soil for cultivation, and lush grazing. The chief Mwaipopo asserted his claim to [423] the area first by establishing a household there with some of his junior wives, and then by sending the son of a subordinate house (who could have no claim to inheritance of the chieftainship) to live there. Nsusa, the second village headman of Mwaipopo's heir Mwankuga (150), also settled in the forest and acted as headman of the men there, but whether his move was primarily to lay claim to the land or because he had quarrelled with his chief, Mwankuga, and the other village headmen, was never very clear.[1] Then in 1953, at the coming out of Mwankuga's heirs, the junior Mwabungulu (178) was established in the colony, and is regarded by the people as 'chief' of that area, though he is not recognized as a chief by the Administration.

361 561 631 When a colony is established several miles are left uncultivated between it and the parent chiefdom. Mwabungulu lives five or six miles from his senior brother Mwanyilu (177) and there is an area without homesteads between them. It seems that, traditionally, each chiefdom was surrounded by a belt of uncultivated land used as pasturage, and very often at the 'coming out' both brothers merely extended their villages on to the adjoining pasture land

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[1] cf. Monica Wilson, *Good Company*, pp. 268-9.

177 The office of chieftainship still carries high prestige and the
District Council has actually resolved to select a paramount chief.
[643] Competition for this position is fierce and it remains to be seen
[648] whether the Council will ever agree on a nomination. The
persistent suggestion that the Administration should undertake the
invidious task and select a paramount is scarcely likely to be acted
upon, since the Administration sees no necessity for establishing
such an office.

Chiefs, assisted by their village headmen, are the executive
officers of the Rural Councils, but they have lost their judicial
functions. There are twenty-four recognized courts with a bench
[692] of 'courtholders' appointed annually by the Rural Councils, and
one superior court, but the annual appointment ceased in 1956 and
[648] more permanent appointments were made. The aim is to develop
a specialized judiciary independent of the executive. There is
also a very important class of full-time civil servants, secretaries
of the District and Rural Councils, and clerks of the courts.

The position of village headman is in a fluid state. Where the
[622] 'coming out' ritual has been dropped, the traditional occasion for
the formal appointment of village headmen no longer arises, and
old men continue in office much longer than before. When a
headman dies his heir sometimes takes his position or, if neither
the heir nor a junior son will accept it, some other man is
appointed by the chief. There is evidence that in many chiefdoms
men are reluctant to undertake the position, which carries no
salary but involves a considerable amount of work and makes it
difficult or impossible for a man to engage in paid employment
either within or outside the District. As one woman put it, 'Money
has killed the office of village headman' (*Indalama sigogile ubufumu*).
There is some evidence from the lake-shore plain, however, of
men competing for the office, and indeed of a son claiming in the
courts the headmanship his father held. Possibly the competition
for land on the plain, and the fact that the allocation of land
lies with the village headman, account for this. When all the
arable land is taken up, it is probable that acquisition will be
[622] through inheritance or sale only, and the present headman's
● [423] power to allocate land is likely to vanish; but one of the most
important assets of a village is its pasture-land, and in controlling
and developing this the headman may well play a decisive part in
the future. Since village headmen are essential executive officers
in local administration, and are integrated into the new system of

Councils, the importance of establishing machinery for their 177
appointment in chiefdoms where the 'coming out' is no longer [622]
held is obvious. [423]

The traditional communal rituals have not been dropped
altogether, but their celebration is sporadic and not everyone [561]
supports them. Careful enquiries suggest that in less than half of
the chiefdoms has the 'coming out' been celebrated when it was [796]
due. In the most conservative portion of the district, Selya, there [643]
were celebrations in 1952 and 1954, but even in that area a number
of the ruling chiefs have never 'come out'. The omission is due partly
to the desire of the old men to retain office, partly to the increase
in population and the planting of coffee which makes any new
deal in land unacceptable, and partly to the feeling of many that
the old ritual is an anachronism, if not directly incompatible with
their new faith in Christianity. Some chiefs who have not 'come
out' would welcome a celebration; one such told us that 'if the
"coming out" died chieftainship would die'; but a young chief's
personal wishes are not decisive in this matter. Sacrifices at the
groves of chiefs and heroes are not as frequent as before, but they [782]
still occur at some groves in time of drought or other emergency. [769]
The Kinga came to Lubaga in 1954, and they were expected to
come and instal Kasitile's heir in 1955. In 1954 also there were
sacrifices to Mwaijonga (82) and Mwakisambwe (30) for it was a
season of scarcity. Rituals for cleansing the country and sprinkling
the homesteads occur sporadically 'when occasion demands', but
not annually in any chiefdom and never in some. And when
celebrations do occur they do not unite the people of a chiefdom [771]
as they used to do. Christians oppose them and many non-Christians are also sceptical.

In 1935 the traditional rituals celebrated by lineages and chief-
doms formed a coherent system. They were directed towards the [769]
shades and the heroes, as was manifest in the sacrifices and in
the dramas of death and rebirth when those secluded 'dwelt with [796]
the shades' or were 'caught hold of' by Kyala.[1] The older participants were then conscious, in greater or lesser degree, of the symbolism implicit in the actions they performed. By 1955 the ritual cycle was nowhere celebrated in full: what remained were 'bits and pieces' of ritual, none of them fully intelligible without reference to the complete cycle. The link between the rites and the shades and the heroes was less clear, and the symbolism less

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[1] *Vide supra*, pp. 27-48, 70-85; *Rituals of Kinship*, pp. 51, 98, 101, 111-13, 205.

182 and is therefore to be interpreted as 'confession of anger', rather
183 than as 'rebellion'.

776 Sometimes there is an expression of *opposite* tendencies, both
631 implicitly approved. The sacrifices to the heroes and at the
182 groves of the chiefs emphasize seniority and precedence, and
express the dependence of junior on senior kinsmen, but the
769 myth, recalled in every celebration, tells of the surpassing power
783 of the son or younger brother in the beginning of time, and the
561 junior brother of a chief often holds office as a priest. Then there is
the drama of driving away the shade and bringing him back transformed, which is so characteristic of the rituals of kinship and appears again at the cleansing of the country. Such contradictions are doubtless expressions of ambivalent attitudes among the participants themselves, and of the attempt in ritual to reconcile conflicting social principles—in these instances authority with the rights and duties of juniors, and change with continuity.

In a society without written records legal certainty depends
182 very largely on publicity. This is apparent in the law relating to
643 marriage contracts and family inheritance,[1] and still more so in
561 the law of the chiefdom. The ritual of 'coming out' celebrates
radical changes in social status, and the public recognition of the leaders, members, and territorial boundaries of villages, as well as of the heirs to chieftainship. Thus certainty in these matters is assured. There is no positive value of the co-regency of father and son (as in ancient Egypt),[2] but the installation of the young chiefs before the death of their father serves to mitigate conflicts over
● the succession. Confusion over village boundaries and village
[423] leadership often appears when the ritual has not been celebrated,
for there is no public definition to refer to.

How close is the link between religious belief and practice and
182 social structure? There is no doubt that the sacrifices to the dead
769 chiefs and heroes and the traditional rituals of kinship supported
797 the former political and kinship structure of the Nyakyusa. Their
performance compelled co-operation between kinsmen,[3] between neighbouring chiefs, and between chiefs and people. How far then does the change in religion, begun when the first Christian convert professed his new faith, compel a change in the social

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[1] Godfrey Wilson, 'An Introduction to Nyakyusa Law', *Africa*, vol. ix, 1937, p. 29.

[2] H. Frankfort, *Kingship and the Gods*, pp. 101-2.

[3] cf. *Rituals of Kinship*, pp. 190-200, 227.

121 and try to understand the nature and reasons for change. Here, then, is a
good opportunity for the study of social change – not only in land tenure
as such, but also in village and family organisation, political authority and
economic life.

II

101 The Nyakyusa are a Bantu people inhabiting the main part of the
Rungwe District in southern Tanganyika, immediately to the north of Lake
161 Nyasa. In 1948 they numbered about 199,000 in that District, but about
10,000 men were probably at the time temporarily absent from their homes
[167] and in employment in the mines and towns of the Rhodesias and South
Africa (see Gulliver, 1957), whilst about 20,000 had migrated to live in the
[162] adjacent Mbeya District to the north.

The tribal area comprises a confined geographical basin surrounding
131 the northern end of Lake Nyasa. It extends only about 40 miles from the
tip of the lake at 1,550 feet above sea level to the Poroto Mountains in the
north at 8,000 feet; and from east to west is only about 30 miles, from the
[133] almost sheer walls of the Livingstone Mountains (with peaks up to 10,000
feet) to the Ndali Highlands (rising to about 7,000 feet). There are therefore
unusually large ecological differences within so small an area. Three major
regions are to be distinguished: the "Northern Highlands" over about 4,500
feet, the low-lying "Lake Plains" in the south, and the "Central Region" in
[132] between. Everywhere rainfall is reliable and high, averaging at least 100
inches annually[1], and this amply compensates for a certain poverty and
misuse of the soil, although (and particularly in the Central Region) it
262 brings dangers of soil erosion. Except in the highest parts the banana is the
staple food, supported by maize, beans, finger millet and groundnuts. In
245 the Northern Highlands coffee has become well established as the principal
cash crop: in the Lake Plains paddy rice cultivation provides both a food
243 and a cash crop: in the Central Region the country is too low generally for
[511] coffee and too high and dry for rice; consequently cash-cropping is
considerably inferior and the people's standard of living is rather poorer.

The Nyakyusa and their country tended for a long time to be relatively
133 isolated from the outside world by high mountain walls and rain-soaked
177 roads. In addition, or because of it perhaps, they developed an almost
[181] unique culture which was supported by considerable conservatism and high
insularity. They still continue to regard their African neighbours beyond
186 the mountains as their social and cultural inferiors. The turmoil of the
slave-trade in Central Africa passed them by; in modern times they have
177 not enthusiastically accepted Christianity and they have refused to take up
the use of Swahili, the Territorial *lingua franca*. In recent years, and most
797 especially since the end of World War II, they have, however, accepted
198 and pushed forward with vigour a rapid and extensive economic development,
involving particularly the production of coffee and paddy as cash
245 crops, and large-scale labour migration to the south in the high-wage mining
243 industries. The multiplicity of petty, often tiny, independent chiefdoms has
167 been reorganised to provide four local government areas, each under a
Rural Council, in which the old chiefdoms have become something like
631 parishes[2]. Although much of the old conservatism and narrow parochialism
persists, yet there is now an atmosphere of accepted change, of a keen
178 desire for economic development, and a general acceptance of a cash
economy.

Probably the most significant feature of modern life in the Nyakyusa
161 country is the increasing scarcity of land for agriculture in relation to the
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[1] At Tukuyu, in the Northern Highlands, annual rainfall averaged 99.28 inches between 1919 and 1952; at Kyela, in the Lake Plains, the average between 1940 and 1951 was 106.21 inches.

[2] See Kingdon, Z.E.: The initiation of a system of local government by African rural councils in the Rungwe District, Tanganyika; *The Journal of African Administration*, iii, 4, October, 1951.

people's needs. The importance of this can scarcely be overemphasised for a 161
peasant people who are adopting a cash economy and are socially and emo- 423
tionally deeply attached to their land – their single, continuous source of
capital and their tribal heritage. Apart from the possibilities of labour
migration which, so far at any rate, are taken up only temporarily and by the [167]
younger men, there are no economic opportunities and no capital to compete
with the land. In non-economic life the land remains supreme as the persisting
basis of society.

As late as 1940 the District Commissioner, Rungwe, was able to write
that there was most generally sufficient land for the people's needs in all
parts of the country, and the only competition was perhaps in respect of the
very best and most fertile tracts, as had always been the case. G. Wilson
recorded similar remarks in the late nineteen-thirties. That these observations
were correct cannot be doubted. It is known, for instance, that until the [136]
post-war years in the Lake Plains – where now land shortage is most acute – [137]
there was a broad belt of mainly unoccupied, uncultivated bushland, infested
with game, extending from the Livingstone Mountains in the east to the
Nyasaland border in the south-west. There were extensive, more or less empty
areas in almost every chiefdom. The people were subsistence farmers only, [262]
and also banana eaters, and in this well-watered country their agricultural
requirements were adequately met on very modest holdings, from most of
which two harvests a year could be gathered.

In the brief period of little more than ten years the situation has altered
radically to the point of a general shortage of land (except for some parts
in the north-west), and especially in the Lake Plains the available land is
quite insufficient to meet the demands of the inhabitants. This critical change
is the result partly of an increasing population, augmented by some immigration
from other tribal areas; but more especially it is the result of the demands
for larger arable holdings to meet cash crop aspirations – i.e., money
earning. Although both coffee and paddy rice cultivation had begun before
1939, and both were encouraged and developed during the War years, it [433]
was not until after 1945 that both of these cash crops became well and
generally established and the demand for money incomes became universal.

III

It was in order to investigate this new situation, which was beginning 121
to become serious and to cause concern to Government, that I made a
sociological survey in 1955. I had already spent some months in the country
in 1954 investigating labour migration in order to provide Government with
information and to make recommendations to deal with the problems
arising. The second period of work occupied about five months. During both
enquiries I was extremely fortunate in having the use of the excellent monographs
of G. and M. Wilson who had carried out a conventional anthropological
study of the Nyakyusa between 1934 and 1938. Without their basic
work behind me, neither of my two studies would have been possible in so
brief a time, and I must gratefully acknowledge the real value of their
writings.

The intention had been that a complete enquiry should be made into
Nyakyusa land conditions in all parts of the country, and that it should
culminate in a full recording of tribal land law and custom with a view to its
possible reform. In the event only the initial enquiry in the field in the Lake
Plains was completed and the results of that alone are described in this essay.
Whereas in former days there were probably few distinctive differences
between the various parts of the country, in modern times with the introduc- [177]
tion of different cash crops, with differential population growths and varying
demands on the land, important divergences seem to be arising. For example, 000

CHAPTER II

THE TRADITIONAL SYSTEM

121 Although this essay is to be primarily concerned with the modern and changing land and population situation among the Nyakyusa of the Lake Plains, it is quite essential first to have an understanding of the traditional system of political and territorial organisation and of land tenure. This is not mere historicism, for despite changes the traditional system remains as the basis of contemporary land-holding and land law. Whilst actual conditions on the ground change, the Nyakyusa appreciation of those changes and their attitudes to land lag significantly behind. In brief, the traditional system was geared to a situation where there was plenty of land. [178] Today the people find real difficulty in adjusting themselves to a high density of population and an acute shortage of land, with the result that this new situation is aggravated by outmoded practices, attitudes and cultural values.

173 The ancestors of the present group of peoples now known collectively as the Nyakyusa, moved into the Rungwe region from the Ukinga Highlands to the east beyond the peaks of the Livingstone Mountains. According to legend, which is probably substantially true, these newcomers found a sparsely populated country which they easily occupied. Later, following internecine strife, one group under a man called Mwakyusa left the Masoko area in the centre of present-day Rungwe District and moved down into the Lake Plains. There, probably less than 150 years ago, they drove out the Ngonde people and settled. The sons of Mwakyusa took their shares of the country and people and established their independent chiefdoms. The chiefs in 1956 are the lineal descendants, mainly in the fifth generation, of Mwakyusa, and have a well-known genealogy. The only exception to this occurs amongst the group of tiny chiefdoms in the extreme east under the Livingstones, which now form a single administrative chiefdom under Mwakilasa and number some 400 men. They trace descent from pre-Nyakyusa settlers known as the Saku.

621 561 Traditionally, as today, the village was the basic unit both in social life generally and in land-holding in particular. The Nyakyusa village was possibly unique in Africa. It was comprised of men of roughly the same age, together with their wives and young children, and it excluded their fathers and sons and also, very often, their elder and younger brothers. Each village [361] consisted of a close group of houses (often centred on a broad "village street"), with arable and pastoral land around it. Each village had fairly well-defined boundaries with its neighbours. The village was represented as a [622] group and acted corporately through its headman, *lifumu*, who was the guardian of villagers' land rights, the arbiter in land problems and disputes, and the controller of unused land. He was also the political and ritual leader of the village, but nevertheless he was a commoner chosen from amongst the villagers themselves, and was not a member of a chiefly lineage.

423 Land was owned by the village as a group. Every man resident in the village had a clear right to a site for his house and banana plot and to arable land within the village boundaries; he also had a right to graze his cattle in its communal pastures. Residence gave these rights and members of other villages were excluded. A man who left the village automatically gave up these rights, though if he returned he was able to take up his former holding or its equivalent.

villages grew ever smaller and became extinct as their members gradually [631] [888] died off in old age.

A Nyakyusa village, then, owed its being to this most significant political, [621] social and religious event. Each village had its area approximately demarcated, [622] and each headman was ritually and magically strengthened in order to lead and protect his men and their families.

This particular system operated satisfactorily in the demographic and land-using conditions of the old days. By the process of bifurcation, briefly [561] described above, new chiefdoms and new villages were formed for each generation. Although the population appears to have been increasing rapidly there was always sufficient land to create two chiefdoms where one had existed before, and to create new villages and more villages than had existed before in the old chiefdom. The two new chiefs were able easily to move apart and find sufficient and more than sufficient land for their needs.

The system of bifurcation, the ideal of the Nyakyusa, did not always work [631] out so neatly in practice – at any rate it often did not in the Lake Plains. [643] Sometimes it did work; for example, the present chiefdoms of Lazarus and Koroso are the two parts of their grandfather's single chiefdom, which split up under their respective fathers. Similarly, the present Mwakipesile and Mwamasangula chiefdoms stemmed from a single unit, whilst the Mwakipesile chiefdom itself today is really two indigenous chiefdoms, but the Government would recognise only the senior brother's claim to chiefship and allowed him authority over the whole. Even where a single new chiefdom succeeded the old (frequently as the result of civil war in which one brother subjugated the other) the essential dichotomous arrangement persisted so that the resultant single unit had two distinct halves, each with its own head with his villages and headmen. In any case, whether traditional bifurcation occurred or not, and right down to modern times, new villages have been established at the time of the "coming-out" of the new chief. The basic village system showed greater persistence and remained truer to type than did the chiefdom and the wider political system.

The real authority of a Nyakyusa chief was not in general very great, [643] although individuals here and there achieved personal importance. A chief [554] was accorded a great deal of prestige and honour, and by tribute and gifts he frequently became pre-eminently wealthy. He was supposed to be kept informed by his headmen of all important village affairs and to approve all [622] matters concerning the land; but the village headman was in fact the real land authority, who attended to the details of land allocation and land use within his village. A chief could not do this, and in fact only in so far as he had the support and loyalty of his headmen had he any authority at all. "A chief is a chief because he has headmen," one informant put it to me – he was a prominent chief himself. A villager said: "A chief does not own the chiefdom, [423] ● or the land. We, the people together, own it." A chief could, without notice or advice, take any unoccupied land for the use of himself or of his kinsmen, but he could not allocate it to others; both headman and villagers would have indignantly and successfully protested had he tried, as some occasionally did. Land disputes, an uncommon feature in a country where land was plentiful, were settled by the headman of the village in question; they were [692] the private affairs of the village and the chief had no right of interference. [622] Inter-village disputes first came before a meeting of the headmen concerned, with perhaps the assistance of the senior headman of the chiefdom. Only if a dispute could not be settled and if it seemed likely to threaten general peace within the chiefdom would the disputants go before the chief himself, who even so relied and had to rely heavily on his headmen to secure a settlement. So delicate was his position that he might be unable to resolve inter-village [754] disputes for fear of witchcraft reprisals against him by the unsuccessful party.

622 643 Sometimes a chief who was a powerful personality rode roughshod over his headmen and achieved a measure of autocracy; but most headmen would not allow this and in their opposition they had the full support of their villagers, as well as the moral backing of public opinion. There are remembered cases in pre-European days when a chief was deposed or reduced to a nonentity by his headmen acting together in the face of what they considered to be encroachments on the inviolability of village unity and independence. In any case, however, even the strongest chiefs were little disposed to interfere in the land matters of their villages; few wished to be bothered with the details of land rights. A chief could legitimately complain if he were not kept informed by his headmen, but his approval of their actions – and most especially in land matters – was very largely a formality.

Traditional Land Tenure

361 622 As already briefly described, a village comes into formal existence at the time of the formation of a new chiefdom. At that time its building site and arable and pastoral areas were roughly demarcated by the retiring headmen of the old chiefdom. Within the village, members were allocated their house 423 plots and each man tended to take the strip of land stretching behind his plot and make his field there. The land was shared out on a friendly, co-operative basis; the new headman smoothed out any difficulties and settled any disputes. Thus was the pattern of land-holding established. Apart from the relative value of a plot proximate to a man's house, there was little or no cause for dispute as land needs were small and the supply plentiful. An established villager could, without notification or special permission, extend his cultivation to any land which lay vacant – i.e., which was not in use or under fallow by a fellow-villager. There was therefore no need for a man to try at first to grab more land than he immediately required, nor did he need to be jealous of his neighbours' claims.

A villager's rights to the use of his land were quite secure and he had no fear of eviction or of the seizure of part of his holding. It is said that very [643] occasionally a chief might take a man's holding but I think, at least in the Lake Plains, that this must have been most unusual. In fact, of course, so long as a man was allowed to reap his crop there was little value attached to the plot as such when nearly similar ground stood unused. Men sought security not on their plots of land, but in their membership of the village community, which assured them of their continuing rights to adequate opportunity for cultivation over the years. However, virtually every man had an excellent security of tenure on his holding during the mature life of his age-village (i.e. until at least the next "coming-out" ceremony), and if he died his heir, should he wish, could come and live in his house and cultivate his fields without hindrance. The way in which he cultivated, though of course strongly conditioned by custom and convention, was his own affair, and he sub-divided his holding amongst his own family as he thought fit. He could not, however, allocate any of his land to a man living in another village, nor could he permit it to be cultivated by such a stranger.

[754] Through fear of witchcraft, because of persistent illness, misfortune or unfriendliness, in order to live near a relative or friend, or to inherit elsewhere, a man might leave his village and his age-mates. Then he had to give up his land-holding. When a man moved because of witchcraft or illness (much the [166] same thing and a chief cause of movement) his land was normally left idle pending his hoped-for return, and his former neighbours would do all they could to induce him to return to his old home and fields – even to the use of [626] force (see Wilson, G. 1938, pp. 32-3). His departure was an accusation against them, and a disturbance of co-operative unity. If the man consistently refused to return, or if it was known that he had definitely left for good, his

land automatically reverted to the common pool. An established villager 423 might decide to use part of it perhaps, but not before prudently gaining the approval of the headman, lest the migrant return later and accuse him of unlawful and unfriendly seizure. [622] If the headman agreed, as he would after a time in most cases, the newly acquired plot became part of that villager's holding with as secure a title as the rest. Such vacated land could also be allocated by the headman to a newcomer or, before the sons' village was established, to the son of a villager.

If a man had more land than he could cultivate – because, for example, his sons had left him to cultivate in their own villages, or his wife had died – he was under no essential obligation to give up any part. The headman might, if the need arose, try to persuade him to release a portion in order to make it available to someone in need; but the land-holder could refuse and the headman had to accept his refusal. As a chief depended on the support of his headmen, so did a headman's position ultimately depend upon at least the passive support of his villagers, from whose ranks he was chosen.

At the next "coming-out" ceremony the men of a village of the old [561] chiefdom might be required to move aside in order to allow the young men, their sons, to take up the better building sites and farming land. This they traditionally did voluntarily and they built new homesteads on one side and cleared new arable plots. Once re-established in this manner, these older men would not be disturbed again and they remained secure in their new holdings. How often in fact such a displacement took place I cannot say, but it certainly seems to have occurred sometimes, for one can still trace old village sites which appear to bear out the common Nyakyusa story.

In all this it must be remembered that the spirit of village unity and [621] coevality was held in far higher esteem than land in such a fertile country where land was plentiful and subsistence farming required but small-sized holdings. Security of tenure and defined rights to particular plots are notions belonging to a different situation and age; when land begins to be scarce and to have an economic value, and when there is danger of men not being able to obtain as much as they need roughly where they need it.

Newcomers were invariably welcomed to a village: they were supplied with a house site and an arable holding and were assisted with food until [186] the first harvest. They were an addition to the numerical size and physical strength of the village, and they increased a headman's prestige. [609] Their rights were no less assured than those of founder-members of the village, although their social position was less secure, at least at first, for they had not shared in the history of the community and had not grown up with the ties of village association and comradeship amounting almost to kinship.

Traditional rights in trees may be mentioned briefly. Trees were inherited without difficulty along with the land on which they stood, and a brother or son would commonly inherit the deceased's valuable trees without [428] bothering to take the arable land around. If a man left his village and thus forfeited his land there, the position was different. Banana trees went with the land and a new occupant simply took them over; bananas are of no great value as they grow so readily and ubiquitously. [342] Bamboos are more valuable (being used extensively in house-building) and any left behind in this way could be claimed in the first instance not by the village but by the chief. If the chief wanted them they became his property, or he could grant them to any man he favoured. Usually a chief was content to leave them: then the local kinsmen of the departed man had first claim, and if they had no use for them, or if no kinsmen were resident in the village, they became village property to be allocated by the headman. *Usyunguti* trees[1] were regarded in

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[1] These are valued oil-bearing trees planted by the Nyakyusa of the Lake Plains, the botanical name of which I do not know.

423 the same way as bananas, to be allocated along with the vacant surrounding land, although sometimes it seems that a chief might successfully lay claim to them. Trees supplying firewood were generally plentiful in the surrounding bushland. A man would not cut wood on another's holding, and standing trees merely went with the land if it was taken up by anyone else, in the same way as useful stands of thatching grass did.

In conclusion of this summary account the following points may be reiterated as important to the understanding of the traditional system:—

(i) Land was plentiful in relation to the people's needs and extensive areas were left untouched.

(ii) Land was owned by the village as a group, acting under its own headman, who was the arbiter and the allocator of fields.

[621] (iii) Land was held in usufructory right only by a resident member of the village, and every resident had the right to a house and banana-grove site, to sufficient arable land and to the use of communal pastures and woodland.

(iv) The individual's security of tenure was good, in so far as this was thought at all important.

[643] (v) The power of the chief was slight in land matters; he had no authority to allocate land.

(vi) Other villages, whether of the same chiefdom or not, had no claim in, or authority over, a village's land and land affairs.

trader brought in other seed. The trader himself planted a large plot and his 243 success seems to have stimulated the Nyakyusa to follow suit. There was a [177] slow but gradual development of planting and by 1932 it was estimated that some 500 tons of hand-hulled rice were sold. It had become clear that the alluvial flood plains around the northern tip of Lake Nyasa were ideally suited to paddy growing. Until 1942 the people continued to hand-hull their crop and sell the rice, but in that year they were persuaded to sell the paddy [432] direct to a locally established mill. Following initial difficulties in milling, handling and marketing, the Government built a store capable of holding 14,000 bags and it also took over the whole of the marketing with a seconded [636] District Officer in charge. In 1947 the cultivators formed their first co-operative society. This movement has been encouraged by Government and the local Co-operative Union now deals with storage and marketing with the guidance of a Government Co-operative Officer.

The figures of sales of rice and paddy are given in Table II.[1]

Paddy has become a well-established crop, not only as the single cash crop of the region, but also as a food crop second only (or even equal) to the traditionally staple banana. About four-fifths of all arable holdings are paddy fields – though parts of these are used for dry season crops of maize, beans, etc. Virtually every Nyakyusa land-holder now grows paddy, and the vast majority regard it as their main crop. Cultivation is mainly by ox-plough followed by broadcast sowing and hand-weeding. Government [242] efforts to encourage nurseries and planting out in rows have so far been entirely unsuccessful. Yields and perhaps quality too are thought to be lower than need be; the chief factor in production seems to be the degree of natural flooding during the wet season.

TABLE II
SALES OF RICE AND PADDY, 1932-56*

[433]

	tons		tons
1932 ..	500	1945 ..	1,200
1933 ..	600	1946 ..	2,700
1934 ..	600	1947 ..	3,300
1935 ..	600	1948 ..	2,100
1936 ..	700	1949 ..	3,700
1938 ..	700	1950 ..	2,300
1939 ..	1,200	1951 ..	1,200
1940 ..	1,500	1952 ..	2,000
1941 ..	1,600	1953 ..	5,700
1942 ..	2,200	1954 ..	5,900
1943 ..	2,800	1955 ..	5,700
1944 ..	2,900	1956 ..	3,000

*1932-41—hand-hulled rice, estimates only.
1942-47—paddy, sold through Government agency.
1948-56—paddy, sold through cultivators' co-operatives.

The cultivation of paddy requires relatively large-sized holdings due to the nature of the crop and the local extensive method of agriculture – for example, to produce a given income requires a far larger area of paddy in the Lake Plains than of coffee in the Northern Highlands of Nyakyusa country. [423] As paddy cultivation became established, men increased their arable holdings in order to earn their money incomes. Larger holdings, rather than improved agricultural techniques, have become directly connected with higher incomes, and so the demand for more land set in. Assisted by the now general use of ploughs, paddy growing increased rapidly wherever it was found ecologically possible – i.e., within the alluvial flood plains and the coterminous area of annual natural flooding. Before this new demand for land emerged there were, even in the most highly populated parts, extensive areas which were more or

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[1] Information has been supplied by the Co-operative Officer, Tukuyu.

243 less uncultivated. These areas can easily be picked out today by the absence
[423] of village sites and banana groves. There was something of a rush to grab
land in such areas and in the less densely populated parts of the chiefdoms.
Today in my personal experience – for no general survey has been attempted –
[311] there remains little or no unused land within the paddy-growing region
which can, by native techniques, be brought under the plough; and indeed
men are attempting to grow paddy on unsuitably raised land where inundation is inadequate. Communal cattle pastures have shrunk as arable holdings extended until they remain only where cultivation is profitless.

571 The demand for land has far outrun the physical supply, and in 1955
it still seemed to be insatiable. The initial cycle was that a desire for more
311 money to permit of a higher standard of living created a demand for more
land on which to produce more cash crops; but the increased level of income
434 then further stimulated money demands to raise standards higher again, thus bringing a renewed demand for land. The cycle has now been halted by the lack of further land to meet the people's needs, but the demand remains nevertheless and is indeed increased by rising costs of living.

This economic picture is, of course, oversimplified, but it may serve
511 to illustrate the nature of forces at work in the situation. I would not wish
178 to overemphasise the snowball effect, for the bulk of the population remains
still largely content with only a little over earlier standards; but increasing numbers of men and their families are coming to seek something better. Bicycles have become something of a general necessity; a variety of good clothing and shoes is considered quite essential. Only a single decade before
[591] the Nyakyusa women still generally went about in the traditional nudity,
whereas in 1955 they must have ranked among the very best-dressed African
[177] women in the Territory. European-type household goods, crockery and
utensils are common. The demand for money, that is for a higher standard of living, has also been greatly stimulated by the experiences of the thousands of labour migrants returning from southern towns and mines, and by the cash and goods they bring back with them.[1]

434 It is not possible for me to attempt to suggest what a desirable acreage
would be for a contemporary Nyakyusa, because money demands, crop
243 yields and selling prices change and the desire for higher standards of living
also alter as the potentialities of the new cash economy are increasingly
511 understood. In 1954 the approximate average of Sh.200/- per paddy cultivator was earned from perhaps two or three acres of arable land, but an indeterminable amount of the crop was kept back for home food requirements. As will be shown later many men's paddy fields could have been little more than an acre, and many men, specifically young men, had no paddy land at all. Certainly there were few who held what they considered, at a reasonable estimate, to be sufficient land.

This universal cash crop agriculture and the continuing demand for
higher standards of living, and therefore for higher money incomes, is the
[161] real cause of the new and rather sudden pressure of population on the land.
Of course this economic process operates within a situation of relatively dense population and in a peasant community where land is almost the only form of capital and alternative enterprise is small. The gradual increase of population, although probably small, further aggravates the difficult situation.

Arable Holdings

511 311 It was not possible to obtain adequate, satisfactory data to allow the
434 [161] calculation of local population densities, and the detailed results of the 1948

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[1] In Gulliver, P. H.: 1957, an estimate of the cash incomes of Nyakyusa in 1954 is given at pp. 51-2. Data on the cash brought back by returning labour migrants are given at p. 55.

511
311
434
[161]

Census have never been issued.[1] However in some sample villages I very roughly measured arable holdings, and my results provide new information even though they can be illustrative only of the modern situation.

In each of the eight villages chosen[2] the arable holdings of *all* the adult male members (whether at home or away at work at the time) of the whole village, or occasionally of a distinct section of it, were measured by the simple and rough method of pacing the borders of every separate plot and converting the resultant figures into yards and thus to acreages. The actual pacing was done entirely by myself in order to try to maintain an even stride on all occasions, but in each village I was well supported by a team of four or five villagers, always including the headman and his assistants. The figures obtained relate only to arable holdings and bear no determinate relation either to crop yields or to non-arable land in the villages concerned. The results are summarised in Table III below.

[423] ●

TABLE III
ARABLE HOLDINGS IN EIGHT VILLAGES

Village and chiefdom	*No. of land-holders*	*Average holding in acres*	*No. of men holding more than:— 5 acres*	*10 acres*	*Average size of plots in acres*
Kapugi Mwamasangula ..	59	3.2	11	1	1
Ikolo Mwakyusa ..	68	3.0	13	0	1.2
Matema Mwakilasa	50	1.9	4	1	0.6
Lugombo Koroso ..	24	1.6	2	0	0.6
Mpunguti Mwakipesile ..	63	1.5	1	0	0.5
Kapugi Koroso ..	60	1.3	1	0	0.4
Lusonjo Mwakilasa	12	1.3	0	0	0.6
Busoka Mwantipulo	36	1.0	0	0	0.4
	372 men		32 men (8.6%)	2 men	

From this Table it can be seen that in the chiefdoms of Koroso and Mwakipesile, *in the villages concerned*, the average holding per man was about one and a half acres – and my impression was that in the southern parts of Lazarus's chiefdom and elsewhere immediately surrounding the lake shore similar conditions existed. It may be noted too that in these cases there were large numbers of young men without holdings at all. On the other hand, in the selected villages in the chiefdoms of Mwamasangula and Mwakyusa, the average holdings were about twice as large – three acres; and fewer young men were landless. Note also the cases of the villages in the chiefdoms of Mwantipulo and Mwakilasa in the more northerly parts of the Lake Plains, where the average holdings were one and 1.3 acres respectively, and where yet there was arable land unused and available. In those parts paddy cultivation is very limited because of the higher and hilly country, and the people remain little more than subsistence farmers – perhaps they may be taken as not unlike the traditional, pre-European subsistence cultivators. 311

Unfortunately I am unable to relate these figues of arable holdings to the total land available in each village, for this would have required survey work beyond my competence. Non-arable land is utilised for village sites with banana groves, roads and paths, pasturage, etc.; but the position is further complicated by varying amounts of unusable land in my sample villages. To give only two examples: within the boundaries of Mpunguti village, Mwakipesile's chiefdom, there are many acres of land adjacent to [133] the Mbaka river which today are unusable because of deep flooding from

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[1] Population figures of any kind are not available even for the separate chiefdoms, let alone for ecological areas.

[2] Their approximate locations are indicated on the accompanying sketch-map.

311
plots of maize, squashes, tobacco, etc., and useful trees (bamboo, citrus, 134
mango, kapok, *usyunguti* and firewood). Artificial drainage would, of 161
course, make more land available along the rivers, but this is in general [241]
beyond the abilities and resources of the Nyakyusa without considerable
outside assistance. [246]

Finally, in this matter it is to be remembered that in addition to a man's
arable holding, each of his wives has a banana plot at her house from which [423] ●
she obtains her staple foodstuff. Such plots amount to perhaps about a
tenth of an acre on the average. On the other hand, the Nyakyusa are no
longer prepared to tolerate a predominantly banana diet. Rice has, in most [262]
areas of the Lake Plains, become almost as important as bananas.

Large-sized Holdings

Some blame for this novel shortage of land and the smallness of the 311
average holding has often been laid upon that minority of Nyakyusa who 423
have exceptionally large holdings, and also upon the immigrants from beyond [167]
the Lake Plains who have come to settle there during the past decade.

The occupiers of large-sized holdings are rather fewer than has some-
times been supposed. The notoriety of large land-owners, such as some of the
modern chiefs with as much as 25-30 acres, has brought more attention to [643]
them than is really warranted. Most chiefs and village headmen have arable
holdings of above average size, as a result of their privileged positions in [622]
the land allocation system and because of their prestige influence; but they remain a small minority and their number is bound to decrease in the future as inheritance causes sub-division of their holdings, for most of them have also more than the average number of wives and sons. In the two high-density regions it is clearly impossible for any man much to increase his present holding. As will be shown later (see page 24) the modern trend is not unnaturally towards a dangerous fragmentation of holdings.

The data obtained in this matter for my eight village samples are summarised in Table III, page 15. In those villages the two men out of 372 who held more than ten acres were a village headman and the father of a chief.[1] There were seven other headmen and one chief as well as some other locally influential men amongst the people covered by my surveys, but none of them held more than ten acres. There are, of course, some commoners amongst the large land-holders; many of them are close relatives of the chief or headman and have thus received preferential treatment. Some, however, are ordinary villagers who were perspicacious enough to see future trends and to obtain land in the early days before most men realised its new value and when vacant areas were still easily available. Such men are tending to become a new, wealthy class, but on the other hand they are particularly
susceptible to the begging of kinsmen and friends who have insufficient land.
If they are not to be regarded as unneighbourly or even anti-social (perhaps [183]
practising witchcraft) they are virtually compelled to be generous sometimes,
both with their land and with their profits.

On the whole this minority of men excites little attention or jealousy
among the Nyakyusa, who indeed take it for granted that their chiefs and [554]
headmen will have more land than ordinary villagers, as befits their status
and prestige. If it be thought that by reducing somehow the size and number
of these unusually large holdings then the land shortage might be partly
relieved, it is a false hope. I scarcely think that the Nyakyusa would welcome [648]
any such attempt at interference by administrative action, but in any case
it would only provide minor and temporary relief here and there and would
not be worth the executive difficulties involved.

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[1] This second man should be a chief himself but he was dismissed by Government on his imprisonment for peculation. He still holds much of the prestige and privilege of a chief for his son is only allowed authority in purely local government affairs.

The Problem of Immigrant Land-holders

167 Undue importance has also been given to immigrants, but their numbers 423 are relatively small and only significant locally. Since about 1948, or a little earlier, there has been an influx of Africans into the Lake Plains; – Nyakyusa 311 from the Highlands (chiefly from the Central Region – Pakati), Ndali from the Ndali Highlands of Rungwe District and Kinga from the Njombe District to the east beyond the Livingstones; from northern Nyasaland have come Ndali, Lambia and Sukwa, and there are also small numbers of Bemba and others from Northern Rhodesia. They have been attracted in the modern era, when local movement is easier, by the possibility of obtaining land in the northern Lake Plains, where rainfall is so high and untouched bushland has been available.[1]

These immigrants have been and continue to be almost entirely restricted to the north in the "low-density region" (see map, facing page 15). This contained [134] the outstandingly empty area of the country and still there remain vacant lands to be taken up. Such land is usually of relatively inferior quality, easily subject to erosion and loss of fertility on the slopes of the foothills and unsuitable for paddy cultivation except in small, isolated basins. The immigrants, that is, have settled in areas rejected by most Nyakyusa. There, locally, the newcomers outnumber the indigenous population. In the flood plains, the high-density regions, the proportions of foreigners cannot be more than one or two per cent. of the population, and in most villages there are none at all.

It is true that these newcomers do occupy land which might well be used to relieve the congestion nearer to the Lake; but in practice this would not be at all easy. To take a single example: the newly opened area in the north of the chiefdom of Mwakyusa between the Kiwira and Songwe rivers is being rapidly taken up by Ndali from the north-west, Nyasalanders and Nyakyusa from the Central Region (in that order of numerical importance). A few miles to the south, in the centre of the same chiefdom, the inhabi- [166] tants of the Ikolo area consistently refuse to move although they manifestly cannot meet their land needs within their present villages. They, and others like them, say with some truth that paddy cultivation is less easy and less profitable in these newer and higher areas, and that poor communications make the disposal of produce more difficult. They also say, but more often leave to inference, that they are unwilling to leave their traditional village areas and begin in new parts, even though the move required is only one of a few miles. They have not yet become sufficiently aware of the permanent gravity of modern land shortage to overcome their parochial inertia. By the time they do become aware of it the opportunity may well be lost, for immigrants continue to arrive in twos and threes, and the last vacant land may be taken. To date, however, some vacant lands remain, albeit of poor quality, into which the densely packed Nyakyusa could move, and the immigrants cannot be blamed, at least not yet, for preventing the expansion and resettlement of the local population.

At the moment the chiefs and headmen in these northerly areas are [843] keen to obtain as many of these immigrants as possible in order to swell [620] the number of their commoners, the size of their villages and thus, directly, their own prestige and importance. Newcomers have every opportunity to [554] be allocated as much land as they wish, where they wish, and many are liberally assisted with food in the traditional way until they harvest their [186] first crop. I heard no complaints from either the local Nyakyusa or the immigrants, and relations seemed to be good. Strangers must conform to Nyakyusa ways of life and to the authority of the headman and chief, although

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[1] Immigrants from Nyasaland are said to have come following the introduction of new regulations there prohibiting the cultivation of easily eroded hill areas.

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in fact they usually settle on the common East African pattern of scattered 423
homesteads, each in its arable area, and not in the tight Nyakyusa village 311
pattern.

I think that the headmen and chiefs concerned would not welcome a [643]
restraint on immigration, for it offers them a chance to emulate the numerically [622]
produced prestige of their fellows in the flood plains, to whom at the [554]
moment they feel inferior. They would, of course, most probably prefer
indigenous Nyakyusa, could the latter be persuaded to settle there. As it [186]
is, at least some of the Nyakyusa of these northerly villages are trying to
move into the flood plains, where they can more easily cultivate paddy and
where they can join in a more active and ebullient village life.

One type of foreigner to the Lake Plains is the man (almost invariably 423
a Nyakyusa from the Highlands) who has obtained land but does not settle
on it nor in any village. He continues to live in his upland village and comes 671
down to the plains only to cultivate and harvest his paddy field. This is
strictly against Nyakyusa land law and custom and, in fact, such an absentee
land-holder has often made a substantial monetary gift to the chief or [431]
headman for the protection of this extra-legal privilege. These strangers are
frequently among the more wealthy upland Nyakyusa, who can afford
such payments as these, and often they are of chiefly rank themselves,
perhaps having kinship ties with the local chief. There are probably no
chiefdoms where such strangers have not obtained paddy fields, though
naturally those which contained a good deal of vacant, usable paddy land
at the beginning of the cash-cropping era have most.

This does arouse a certain amount of ill-feeling and opposition amongst [208]
local villagers who have insufficient land themselves, for they lose land and
gain no numerical strength or profit of any kind. The illegal action of the [643]
local chief is also condemned, especially as the chiefs should not in any
case assume allocatory powers. On the other hand it must be noted that
the commoners philosophically accept the supposedly protected prerogatives
of their chiefs under European rule and they expect the chiefs to take
advantage of them. As with the case of the minority of large land-holders,
the actual effect is not particularly great and reformation here would be a
minor palliative. Nevertheless in this matter there is a definite and unpopular
infringement of villagers' rights and of the local customary law.

One other group of strangers may be noted for the sake of completeness. 167
That is the Kisi, who have for at least two generations been settling along
the lake shore itself from Matema in the east to the Songwe river (and beyond)
in the south-west. They have come from the north-eastern shores of the
lake and in the Nyakyusa area they are principally fishermen who do not,
therefore, compete with the indigenous population economically. They
cultivate only tiny plots of casava and sometimes of finger millet, although
a few of the younger generation are now trying to grow a little paddy also.
The total number of Kisi involved cannot be more than a few hundred and
they have probably not increased much over the past decades. They follow
an almost separate existence from their Nyakyusa neighbours, not intermarrying,
and following their own way of life.[1]

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[1] The main Kisi settlements in Rungwe District are in the Ikombe area, an isolated peninsular south of the [162]
Lake Plains, where they number about 1,200. Another 3,000 are scattered on smaller peninsulars and in
tiny lakeside basins further south along the Lake shore. They are widely famed as potters, and they exchange
their wares for cereal foods to augment their fishing.

CHAPTER IV

THE RESULTS OF LAND SHORTAGE

311 As indicated in the short outline of traditional land tenure in Chapter II, the system developed and worked adequately in the old situation (both before and after European conquest) when land was plentiful in relation to the people's demands. Any villager who wanted land had the right to be allocated fields: any established villager who wished to expand his cultivation could do so without difficulty. Movement between villages was easy, and especially after the establishment of European peace, for everywhere [166] newcomers were welcomed to increase the strength and prestige of the village, and land was available for them. The young men in their age-villages were able to obtain sufficient arable land and they were able to establish their economic independence after marriage, if not earlier. Because land was plentiful there was little real concern for security of tenure and disputes over land were both uncommon and unimportant.

By 1955 the basic fact was that there was insufficient land to meet the people's requirements in the alluvial flood plains – as also in many Highland areas – and there remained little or no unused land which could be taken into cultivation.

Inheritance of Land

428 In those earlier and more spacious days, inheritance was chiefly significant in moveable property – cattle pre-eminently, and goats, money and 421 other goods – and also in the matter of widows and the custody of children. The rules of inheritance were the same in principle for all this property. Inheritance was by groups of full-brothers rather than by individuals, and therefore when a man died, his sons, his widows and his wealth were taken by the eldest surviving full-brother; failing a full-brother, a half-brother would inherit (the eldest surviving at the time). Only when all the deceased's brothers were dead, or if they had moved away and severed practical relations, were the dead man's sons able to take up the property in their own right. Then each group of full-brothers tended to inherit as separate, corporate groups. Although the separation into "houses" was not as strong and [593] notable as amongst some African peoples,[1] yet there was a fairly strong solidarity between full-brothers such that, for instance, their cattle were regarded as a distinct and separate herd, over which the senior brother had principal control and in which half-brothers had little direct rights.

Originally land inheritance did not follow this scheme because it was an unimportant matter, for ideally a man obtained his building plot and [423] arable land at the time of the formal establishment of his age-village, and he preferred if possible to continue to live amongst his coevals. Consequently, when a man died, his brothers and his sons and nephews normally had land of their own and did not wish for more elsewhere, especially as the deceased's land would probably be in another age-village. Out of respect for the dead man and his contemporaries, the chief heir often made a token residence at the deceased's homestead and then, after a brief period, would obtain the approval of the villagers to return to his own village and holding again – perhaps at the cost of some beer or a goat. Sometimes the heir or another member of the lineage might take the opportunity to leave his own village

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[1] See Wilson, M. 1950, pp. 117ff. Cf. also my *The Family Herds*, London, 1955, Chapters 3 and 4, for a description of a strong, corporate 'house' system.

(e.g. for fear of witchcraft) and take up the vacant holding. Nevertheless in 428
general the holding was allowed to lapse and it could be re-allocated by the 421
village headman if need arose; or the elderly widows might be allowed to
continue to reside and cultivate as long as they wished.

Once land began to become scarce and valuable this loose system could 423
no longer continue. Junior brothers and half-brothers were no longer content
to permit the chief heir to take the whole of the deceased's holding to do [178]
with it as he wished, and a systematised division had to be adopted. At first,
naturally enough, land was gradually brought under the same system which [428]
controlled the inheritance of other property, but this proved inadequate – inadequate not only in itself as being, perhaps, too complicated and conducive
of disagreement and quarrelling in so far as land is concerned, but also
because that system itself was already beginning to break down under
the impact of individualism.

It was felt that because sons assist their father in his homestead and fields and in their turn rely on him for a share in the cash-and-kind profits of peasant farming, therefore they should have priority in the inheritance of their father's property. Their father's brothers, it was said, would in any case already have their own holdings in which likewise their sons have prime interest. Conversely, older Nyakyusa men began to be reluctant to take a brother's land (and other property too) on his death, for fear that, in their turn, control of their own land would descend at their deaths to their brothers' sons rather than to their own sons.

As a result of these attitudes a strong desire arose to modify the customary laws in this matter, and the Rungwe African District Council, with [646]
the approval of the Government, has by formal resolution established a new
law under which sons may inherit direct from their own fathers.

This law is not universally accepted by the Nyakyusa of the Lake Plains
and sons still will sometimes waive their novel rights in favour of the
traditional claims of their fathers' brothers. They say that they do not desire
to see the break up of the wider lineage which, in effect, this new law encourages; they are also afraid of the anger and jealousy, and thus of the witch- [754]
craft, of their uncles. It appears however that the change is accepted by [578]
the large majority of the people, for it follows the trend of modern values
and kinship sentiments.

The principal heir is now the eldest son, but in general he has little 423
direct control over the property and land of his half-brothers unless they
are still young, in which case he has a moral duty to act as guardian and 428
custodian. Sons inherit that part of the paternal holding which had been
allocated to their mother by their father in his lifetime, plus any other
pieces he might have given to any of them direct as individuals. Each group
of full-brothers determines the way in which it divides up its own inheritance. [593]
The eldest brother of such a house has a definite obligation to see that his
juniors obtain shares of the land in so far as its extent and their number will
allow. On the whole it is expected by Nyakyusa that the eldest brother will
secure the best holding for himself, as befits his new status, but he cannot
deny his younger brothers' claims. Disputes in this matter are not uncommon
and the local courts have already shown their determination to support the
claims of younger brothers.

Very commonly – though it has not yet crystallised as compulsory
social behaviour – a father will grant a portion of his holding to his son on [183]
the latter's marriage, or as soon after as the son decides to give up labour [178]
migration and settle down. It is thought that a married man should be
independent economically and that he should be able to maintain his own [593]
household; it is realised that there is most likely to be friction in the relations
between father and son, especially in this society where it is traditionally

423 believed that parents and children should live apart.[1] In the same way, and
428 for similar reasons, an elder brother tries to make provision for his junior
when the latter marries if their father is already dead. The practice of the
[593] father is not a legally required one, although it is nowadays increasingly
common and sons have begun to expect it: the practice of an elder brother
is now legally required in the matter of land and probably always has been
in the matter of cattle.

The difficulties are obvious when a man dies and leaves several sons
[646] but only a small-sized holding. To date no clear ruling has emerged and
unfortunately the African District Council did not deal specifically with
such details when introducing the new law. How much land an eldest
brother can reasonably retain for himself is perhaps not determinable in
practice except in specific relation to the nature, locality and fertility of the
holding in question, the plots already held by the man himself, the needs
and number of the younger brothers and any holdings they may have, and
[598] the location of the villages in which they severally live. There is also plenty
of scope for disagreement between half-brothers over portions of the paternal
holding which had been retained by the father himself for his own use; over
portions allocated to a wife who has borne no sons or whose sons have died,
and over permanent trees. The situation is still fluid and there has not yet
been time enough for a common and generally acceptable solution to be
established. Consequently each group of sons tries to solve its own particular
problems in this matter as best it can, torn between old values and new
attitudes and needs.

Relations between both full-brothers and half-brothers tend often to
593 be severely tried at times of inheritance. It is not primarily, I think, a case of
428 brothers' greed for valued land tending to overcome bonds of fraternity
and co-operation; but it is rather that a father's arable holding is often not
able to provide adequate amounts of arable land for each of his sons, and
yet they find the very greatest difficulty in obtaining land elsewhere. Already
the traditional kin-group comprising the sons and grandsons of a group of
[182] full-brothers had begun to break down even before land shortage became
serious. Now the group of full-brothers itself tends to be dispersed as men
obtain land where they can and it is endangered by dissensions over land
rights and land division. Increasingly, it seems, a Nyakyusa man is becoming
detached from his brothers and he tends to establish an independent family
unit comprising his immediate family alone – that is, himself with his wives
and children. We cannot attribute the whole cause of this modern trend to
land shortage and economic difficulties, of course, for involved also are
new ideas of individualism and of personal effort and reward, and the
decreasing need for the consistent support of brothers in social, economic
and ritual activities.

Younger brothers may, and sometimes do in fact, agree that the
598 paternal holding is already too small for further sub-division, or that the
423 small parts which can be made available to them are scarcely worth having –
especially if they live some distance away. On the other hand, the eldest
428 brother may already have obtained a holding in his own village and is
therefore willing to make only a small claim or none at all in the interests
of his juniors, and he may then divide the inheritance amongst them alone.
Usually, so acute is the dearth of land, the holding is divided between two
or more brothers. It is split into small plots so that each brother has a share
[311] of paddy, food-crop and banana land, and these are commonly a half acre
or even less in size nowadays. As already mentioned, by a kind of modern
[696] equity the local African courts generally favour the claims of the younger

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[1] See Wilson, M., 1951, p. 159 and passim. "The overt purpose (of age-villages) is the separation of sons and mothers, of fathers-in-law and daughters-in-law." (*ibid* p. 162).

brothers, and this is compelling the increasing and continued fragmentation 578
of holdings at time of inheritance. Even so, if there are several brothers (i.e., 423
sons of the deceased) the youngest among them may still be unable to obtain 428
a plot, or at least not one of an economically viable size, and they are then [696]
compelled to try to gain admittance to some other village as newcomers,
there to be allocated land.

The shortage of land is, therefore, not only making inheritance very
considerably more important, but it is assisting in the establishment of [178]
new kinship attitudes and a redefining of fraternal relations. The position is
most confused at the moment as the old system continues to exist alongside
the new, sometimes more or less successfully, but often in intractable
opposition. At the present time the observer can only mention general
tendencies, for it is impossible as yet to foresee what the eventual result will
be, and there are, in any case, many other factors involved besides those of
the inheritance of scarce land.

In so far as we are primarily concerned with land problems in this essay,
the basic factors are that land is newly scarce, that there is virtually no [311]
alternative activity in the country to the arable use of the land, and that
therefore each son must try to obtain a share in the often inadequate holding
of his father. I suggest that no form of inheritance can deal with such a
situation satisfactorily – at least it is highly doubtful if any has yet emerged
in an area of land shortage in Eastern Africa – and thus there are bound to
be severe difficulties and a deterioration of inter-personal relations between
near kinsmen who are most in competition. The new inheritance law of the [578]
Nyakyusa has narrowed the range of potential conflict from the patrilineal
descendants of a grandfather to the sons of a single father; but if it has
obviated possible hostility between the generations and between paternal
cousins, it has also removed much of the common interest and mutual interdependence between them.

The Right to Land, and the Authority of the Village Headman

Although the traditional principle still exists that every villager has a 622
right to arable land within the village boundaries, yet it is no longer possible 311
to carry it out in practice. Every village headman, in my experience, attempts 423
to ensure that each of his men has land, but he cannot always succeed, and
most especially he cannot provide every one with as much land as he would
like, because of sheer spatial limitation.

Nowhere any longer does the old principle now hold that an established
villager may, without permission or notification, take vacant land into cultivation
as part of his holding. When land becomes vacant it must now revert
immediately to the village as a group, that is to the common pool from which
the headman as village authority makes allocations. There are so many and
such varied demands for land nowadays that no man acting on his own
can presume to take up vacant land, and only the headman may decide allocation.
No person can now obtain land, whether he be an established
villager or not, unless he is allocated it by the headman – or, in the many
large villages typical of the Lake Plains, by the headman's assistant, [624]
ugwakyimo, who is delegated authority in a section of the village.

Land becomes vacant when a man shifts to another village, when a man dies and leaves no active heir who desires to take up the deceased's holding, or (but seldom today) when a man gives up part of his holding due to his inability to use the whole of it. In all these cases the land is immediately re-allocated by the headman, probably not as a single unit any longer, as best he can among a crowd of land-hungry villagers – established men seeking extra land to meet the needs of growing families or for increasing cash-crop

622 production, young men seeking their own independent holding, and new-
311 comers to the villages who seek to settle there.

The modern shortage of land has therefore considerably increased
423 the authority and the activities of the village headman. Nowadays he is the prime mover in all changes in land-holding, other than by inheritance or temporary loans and gifts. In these latter, and particularly in inheritance, he has necessarily become an important interested party whose influence cannot be ignored, whose approval is desired and whose assistance is frequently sought both as arbiter and witness. Much more than before, and directly because of the scarcity and value of land today, he is the principal controller and allocator of land – though, of course, he remains subject to the state of public feeling and the opinions of his villagers. His position has been further strengthened by his status at the base of the administrative hierarchy in modern local government, whereby he is given executive responsibility for his village and its people. As always, disputes over land are taken before him in the first instance and here he acts not only as a judge but also as the expositor of village opinion and public knowledge. Such disputes are increasing in number, giving him more work and responsibility and also more opportunity for the expression of his status. Meanwhile his traditionally crucial ritual and magical (anti-witchcraft) powers continue, though now in somewhat attentuated form.

Fragmentation and Dispersion of Holdings

423 It has been shown how the inheritance of land, now of increasing
428 importance, results normally in the splitting up of a man's holding.[1] Whether
311 a young man obtains an inherited share of his father's land or he obtains an allocation in another village, its size is likely to be small – smaller than the holdings of his father's generation. Tiny, uneconomic plots are to be seen everywhere in the flood plains.

At the same time a man's holding is tending to comprise a scattered, heterogeneous collection of small plots, as he has obtained land when and where he could. An actual example will illustrate this: a young man had
[341] about a tenth of an acre behind his house on which he was growing maize and beans; he had about a quarter of an acre which was his share of his deceased father's land, and another quarter of an acre which had been
[343] allocated to him by the headman when a vacated holding was split up, and on both of these he cultivated paddy. This man had only small hope of obtaining more land, unless one of his brothers died without sons, for he had already been refused by the headman a share in a recently vacated holding on the grounds that, unlike many of his contemporaries, he already had at least some arable land.

Even amongst older men the holding of scattered plots is common. This is partly the result of the earlier expansion of cultivation when the formerly unused lands were put under paddy, and partly because older men too, lose no opportunity, in the face of scarcity, to take up any land they can. The Nyakyusa ideal is to have a single large holding, preferably stretching away behind the homestead – or alternatively two fields, one for paddy out in the open plains and one for food crops nearer home. This ideal becomes less and less practicable. There seems to be little or no need for this scatter of plots on account of soil and fertility differences, for these are generally few and unimportant within the area of a single village.

311 In my sample villages the average number of separate plots was about
423 three per holding. There was a notable difference between villages in relation to the average size of villagers' holdings. Where land was more plentiful the

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[1] If there is only one son to inherit the holding, it is most likely that he will have to give way to the pressing demands of his father's brothers' sons if he is not to cut himself off from his lineage.

number of separate plots per holding was less than where land was scarcer; 311
at the same time the average size of separate plots was smaller in those more 423
land-hungry villages. The reader may refer to Table III (page 15) for some illustrative figures. Though differences are not yet very great, nevertheless there seems to be a fairly clear correlation between the average size of villagers' holdings on the one hand, and on the other the number and size of separate plots, and this is entirely borne out by my general information obtained in villages where actual measurements were not made. The inescapable conclusion must be that increasing scarcity of land in the Lake Plains leads to increasing fragmentation and dispersion of holdings; further, the present land situation and land tenure system can only lead to a continuation of this trend.

To emphasise the actual situation in 1955, let me reiterate the results of my own village surveys in the very high density region. In a village in Koroso's chiefdom only a quarter of the younger men had paddy land of their own, holdings averaging about three-quarters of an acre; in a village in Mwakipesile's chiefdom, only 17 per cent. of the younger men had paddy land and holdings averaged about half an acre (cf. Table VII, page 37). These two examples are taken from the areas of most severe land shortage and are not therefore altogether typical of the whole Lake Plains. Nevertheless, I do not think that they are entirely atypical; more importantly, they indicate the present trend. Within another generation this fragmentation and scatter of holdings may well be the common feature everywhere in the flood plains unless the system of tenure and inheritance is modified. If the increase in population is quickened through improved medical facilities, better diet and housing, and improved conditions generally, then the position will become
more acute. Such an increase is only to be expected. The Nyakyusa have [433]
decisively entered a money economy and they have learnt to seek higher standards of living. Only from their fields, by cash-cropping, can they
expect to earn their livings and the demand for better living will not be [511]
curtailed – nor, of course, is it desirable that it should be.

There is another aspect of this whole matter which must be considered.
It relates to the movement of individuals between villages. Such movement [166]
was, in earlier European days, a crucial factor in the age-village structure, for it was not only exceedingly frequent, but also it tended to undermine the idealised coeval basis of village life. Movement between villages is increasingly difficult now, for a newcomer naturally cannot easily obtain land, nor
as much land as he would desire even at a moderate demand. Nevertheless, [754]
the reasons for movement persist, and they will do so whilst the fear of [753]
witchcraft remains and whilst illness and misfortune are attributable to the unfavourable aura of a place. There remains also the tradition of moving so
that a man may escape from bad relations with kinsfolk or neighbours, [626]
or from the obloquy resulting from his own disapproved actions. Much
social and psychological tension is being created now as a result of the new [152]
difficulty of movement, and so far the Nyakyusa have not evolved alternative [578]
methods.

On the other hand, so deeply engrained is the notion of the prestige [554]
and power which accrues to a village by virtue of the number of its inhabitants,
that headmen and villagers alike remain most reluctant to refuse to accept [609]
newcomers, even when it inevitably means that the present inhabitants must
meet a further decrease in the average amount of land available per family, [622]
for a newcomer must be allocated a holding if he is to remain. Consequently, if a holding is for any reason left vacant, a headman tends to refuse to re-allocate some or all of it amongst his villagers and thus to augment their holdings; but instead he keeps it in reserve pending the hoped-for arrival of another newcomer. Men desiring to leave their own village try to get

311 423 [559] [609] [621] news of such reserved land elsewhere. Such land is cultivated in the meantime on a kind of year-to-year lease by one or more of the villagers as allowed by the headman.

Even when no vacant plots exist a headman will still accept newcomers. If they are young men they must be prepared to go landless for the time being (i.e., to remain dependent on their father's fields elsewhere) until such time as land becomes vacant. If the newcomer is an older man, then the headman will try to persuade one or more of his villagers to give up portions of their holdings and he will often cede part of his own land. The newcomer is therefore often allocated small strips and plots here and there in the village arable area and he thereafter joins the land-hungry crowd seeking to expand their holdings. In one village in which I worked where land shortage was critical (Kapugi, Koroso's chiefdom), there was not a single patch of usable land unworked; yet here the headman had, with full village approval, accepted three newcomers during the first nine months of 1955. Two of them were young men, one unmarried, and they could not expect to obtain land for some time except for a small banana plot. The third newcomer was a middle-aged man from a village some 12 miles away in another chiefdom. The headman had given him a half-acre plot out of his own paddy field and was laboriously begging pieces of land here and there from his people in order to make up a new holding of perhaps an acre. The headman himself had only about three and a half acres of arable land; he had at least one adult son who had not yet acquired an arable plot and he had other sons and brothers' sons owning only small fields. Yet he favoured this stranger, this newcomer. He was quite firm in his resolution to accept other
[597] newcomers in the future and in this he believed that he was acting as a good headman should. As far as I could learn he was supported by his villagers.

This is not, by any means, an isolated or even unusual phenomenon. It is, I feel, important to bear in mind this illustration of contemporary affairs. Firstly, because it shows another way in which holdings are fragmented and dispersed; and secondly, because it demonstrates how, so far, the Nyakyusa have refused to face the situation of land shortage, and how they continue to follow traditional practices and values associated with village prestige. These people complain of their inability to obtain sufficient arable land, but they are not yet prepared to make the mental and social adjustments which might at least partly relieve their new predicament. On the other hand, they themselves understand the need for movement and perhaps they are right in their implied insistence not to discard their cultural ideals. Their insistence on accepting newcomers and their willingness (however dimly perceived and expressed) to share their land with the landless are not discreditable attitudes, even if they are economically untenable.

Security of Tenure and Disputes over Land

As already noted, under traditional land tenure a Nyakyusa had good
[561] security in his holding so long as he continued to live in the same village. The only alteration of tenure occurred at the "coming-out" ceremony of a new chief when the older men would, if required, move aside in order to give their sons' generation the best land. This did not invariably happen in any case. Fundamentally, however, security of tenure is not a matter of great importance to a people who have plenty of land, and land which is more or less of the same quality. Indeed, convenience of location in respect of one's own homestead was almost the only value land had as such. Occasionally a more dominant chief might try to seize a commoner's field
[661] to allow of his own expanded cultivation; it was most unusual for him to
[643] succeed, and even if he did the dispossessed villager suffered little real deprivation, for he could easily obtain another field fairly near at hand.

Security of tenure has continued into European times, and although 311
perhaps weakened slightly in one way through the exaggerated powers which 423
accrue to modern Government-supported chiefs, it has been strengthened [182]
by the modern peace and rule of law and the more efficient system of
justice provided by the established local courts. According to G. Wilson
(Wilson, G., 1938, p. 32) the increase in the movement of individuals between
villages in earlier European times (i.e., up to about 1940-45) directly caused [166]
a lack of attachment to individual plots, and thus security of tenure was not
considered particularly important.

The new situation of land shortage does not affect the basic position,
or rather, by producing a high scarcity value on land, it has brought about
an intensification of individuals' rights over their holdings. No longer dare
a chief or headman attempt to commit such illegal acts as the seizure of a [622]
villager's field, so long as that villager is not afraid to publicise the affair. [645]
A man is not, and cannot afford to be, prepared to lose his field, for he cannot
replace it with any certainty, either in a convenient location or elsewhere. A [626]
headman may sometimes bring strong pressure to bear on some of the men
of his village to try to persuade them to give up portions of their land to assist
a newcomer or a landless neighbour, but a villager can and does refuse and
there is no legal authority which can override him here. As the land shortage
becomes more obvious and more acute so men become less willing to allow
their holdings to be touched for any reason, by anyone. The re-allocation [178]
at a "coming-out" ceremony appears to have been dropped nowadays[1]
and thus a man holds his land undisturbed until his death, when it passes [428]
by inheritance to his sons. There are cases now where grandsons of the
original holder occupy land through undisturbed and undisputed inheritance.
A man can, as he wishes, loan a kinsman or friend a plot in his holding, or [426]
be can make an outright gift. The principal restriction which remains is that
a man must continue to live in the village in order to retain these rights; he
must relinquish them if he permanently goes to live elsewhere. Nevertheless,
the land of a well-established villager would be kept for him pending his [754]
hoped-for return, for if he has left in umbrage and fear because of suspected
witchcraft, then he may be persuaded to come back after a time. The head-
man and his neighbours should in fact persist in their attempts to persuade
him, even to the use of force, for this is not only a moral duty of age-mates
and fellow-villagers but is also an effort to remove the implications of their
alleged witchcraft and anti-social conduct.

Once, therefore, a man obtains land he has absolute rights in it during his continued residence in the village. Especially today, older men seldom shift their homes and almost all land is now held on a tenure which will be passed on by inheritance. .

423
Boundary disputes are few. Usually, and increasingly, village boun-
daries are well known, and field boundaries invariably are. During my field
measurements in the sample villages, I never met any difficulty with my
local teams in quickly establishing the ownership and exact limits of any
plot. Boundaries are usually marked by small ridges of accumulated debris
or by narrow paths, and these form an intricate and irregular network
throughout a village's arable area. They are so well known that there is
very little scope for a greedy man to attempt to encroach on a neighbour's
holding at hoeing time. If minor disagreements do arise at that season they
can be immediately settled – by appeal to neighbours working nearby if [627]
necessary – and the headman or his assistant may well not be called in at
all.

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[1] This is the case in the Lake Plains. In some of the more conservative Highland chiefdoms where the cash economy is less advanced and land scarcity is not serious, there still appears to be some re-allocation in favour of the young men in the traditional way. In general, however, it is clear that the traditional age-village system of land allocation is obsolete; see pages 29ff.

423 all. Field boundaries have lost their earlier fluidity, when a plenty of land did not call for precise demarcation, and the only important changes now result from the land being left vacant or by the internal division of established holdings by inheritance or anticipatory inheritance.

In brief, then, the high premium given to land because of its modern scarcity value, and the enhanced authority of the headman in land affairs act together to preserve the individual's rights. The residual rights of the village, as group-owner of all land within the village boundary, do not affect the land-holder during his continued residence there.

[428] [598] The commonest type of dispute in land matters arises in inheritance, where a younger brother sues his senior in order to obtain or increase his share of the paternal holding (see page 21). That is to say, in general only where established holdings are being broken up does dispute arise and then, of course, only between the sons of the dead man. Disputes between neighbours in a village seldom are grave enough to be brought to court or even before the headman.

[593] There are also many petty, semi-domestic cases which faithfully reflect the frequently poor relations between Nyakyusa husbands and wives in modern times.[1]

TABLE IV

NYAKYUSA LAND DISPUTES: CIVIL CASES, 1954

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[161]

	No. of civil cases	*Land cases*		*Population per land case*	*Density of population*
		No.	*%*		
Lake Plains	1,977	104	5	567	285
N.E. Highlands	965	24	2.5	1,842	199
Central Region	901	13	1.5	4,092	245
N.W. Highlands	1,280	8	0.6	7,300	201

Based on returns of civil cases in local courts of first instance ('B' Courts) for 1954. In 1955 the percentages were almost exactly the same as in 1954.

Several interesting points are suggested by these figures. Firstly, there is the larger proportion of land cases and the much smaller population per case in the Lake Plains, where land shortage is worst in relation to local demand, not only because of the higher density of population as such, but also because of the relatively larger acreages required for paddy cultivation. Secondly, in the Central Region of Nyakyusa country there is also a high density of population, but nevertheless only a few land cases; this may be attributed to the absence of cash-cropping and the absence, therefore, of a keen demand for land. On the other hand, the relatively numerous cases, or small population per case, in the north-eastern Highlands seem to result directly from a particularly densely populated area (Mwakaleli) where coffee cultivation is long established and the demand for land is exceptionally keen. In other words, as far as the figures for 1954 and 1955 show, there is a direct connection between land scarcity and the incidence of land disputes before the local courts (i.e. the more intractable disputes which go beyond the village headmen). General observation supports this conclusion. It may be expected in the future, therefore, that such cases will increase unless administrative action is taken to rationalise the inheritance laws with a view to minimising the area of potential disagreement amongst the sons of a deceased man.

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171 For comparative interest, in so far as they offer some indication, I append here data on other Districts in the Territory where land disputes are common.

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[1] In 1954, 44 per cent. of all civil cases in the lower courts were marital disputes, including divorce suits, and there was one divorce case for every 24 adult males living in the country in that year.

TABLE V

DISTRICTS IN TANGANYIKA WHERE LAND DISPUTES ARE COMMON 691

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1953	*No. of land cases*	*% of total civil cases*	*Estimated population density*	*Population per land case*
Bukoba District	1,189	23	69	223
Lushoto Division	149	12	188	742
Moshi District	347	25	277	746
Ngara District..	81	29	125	1,393

The Changing Village

The possibly unique age-village of the Nyakyusa is now undergoing 561
considerable and fairly rapid change in response to the new conditions of
land shortage. There is, firstly, an increasing sense of village exclusiveness 162
and, secondly, there has been a breakdown in the essential age-basis of its 621
organisation. That is to say, that whilst the corporate unity of the village as an
independent group has been strengthened, yet the social foundation of the 178
village has simultaneously been changed and a different sort of village is emerging. It would take us far beyond the scope of this present essay if a full analysis of the changing village were to be made, nevertheless in so far as these changes are more or less directly the consequences of modern land shortage, land tenure and economic conditions some account is essential. Since the age-village was fundamental in the life and social organisation of these people, the new emerging village is of crucial importance.

Land shortage has definitely exaggerated the unity and exclusiveness [423]
of the village in the Lake Plains at a time when, for other reasons, it was beginning to become a more open group. There was always, as we have seen, insistence on the principle that only a member of the village could hold and use village land; but village boundaries were often poorly marked and it was difficult to determine which headman, if any, had genuine jurisdiction over land relatively distant from the established village sites. Nor was it particularly important to be able to do so whilst land was plentiful. As paddy [243]
cultivation spread, men began seeking extra fields farther and farther away from home as land nearby was all taken up; and so long as they did not attempt to take land in the immediate vicinity of another village site there was seldom much difficulty in this. The attitudes born of a sufficiency of land persisted and headmen were not disposed to protest against outsiders who sought fields near the limits of their vaguely defined areas. Internecine [721]
warfare and raiding had, of course, been abolished as an expression of and a weapon in inter-village rivalries and animosities. With the establishment of general peace and security, and with increasing movement about the country between villages, and chiefdoms, such rivalries and animosities began to die away. Many men came to live in the villages which they themselves had not helped to found; their coevals from their fathers' villages lived elsewhere, many of them widely scattered, and it was not possible to maintain a high degree of village patriotism, and, people began to feel, it was not especially necessary or important any longer.

It began to be possible for a man to hold some of his arable land within 423
the area of another village, so long as members of the second village were not deprived of the opportunity of their own agricultural expansion should they desire it. This was especially the case when a large area of hitherto vacant (i.e. bush) but now valuable paddy land was contained within the approximate boundaries of a village. Outsiders were allowed to acquire fields on the strength of kinship with the headman or with one of the established villagers, or even by giving some small present to the headman (e.g. a little beer or some meat, etc.). Land was still plentiful then, or so it seemed to the Nyakyusa, and future shortages and difficulties were not perceived.

● 423 Thus beyond the established fields in the vicinity of the village itself,
the pattern of land holding tended to become confused. The majority of
land-holders were still members of the village who were expanding their
cultivation outwards, but there was a considerable number of men from
neighbouring villages, and even from farther afield where opportunities
were more restricted. Some men even began to have a second house, inhabitated
[591] by a junior wife, in another village from which to continue the more
easily the cultivation of new holdings.

This sort of development was in the event only a short-term process and, had pressure of population on the land not become so critical, it is not possible to say what would have been the final result upon Nyakyusa social and village organisation. It is, nevertheless, important to note that in the beginnings of the extension of arable holdings, cash-crop cultivation operated in a system in which village exclusiveness was breaking down, when residence was no longer an essential prerequisite of land-holding, and when men were neighbours in the fields as farmers without being coevals of a single village.

Once the Nyakyusa, and particularly the more perceptive headmen,
began to realise that land was becoming less plentiful, indeed that it was
beginning to be scarce in relation to new demands, this novel tendency was
stopped fairly quickly and the old traditional principle of land-holding only
by residence was reasserted. In the most recent years this has been strongly
insisted on. Headmen and their villagers saw that in order to safeguard their
[622] own rights they must prevent scarce, valuable land being held and used by
outsiders. This reaction appears to have been universal and automatic among
[186] the Nyakyusa. There was now insufficient land for everyone's demands and
each village therefore looked after what it considered to be its own interests.
Outsiders who already held fields could not be deprived of them, but they
were not allowed to extend their holdings and every opportunity was, and
still is, taken to regain control of their fields for allocation to villagers
proper. Inheritance was often disallowed unless the heir agreed to come and
live permanently in the village; gifts or loans to outsiders (kin or friends)
were no longer permitted and most headmen seized the opportunity to
re-allocate to their own villagers any alien-held plots which were not consistently
maintained in cultivation.

In response to the new situation, almost everywhere village boundaries
were clearly demarcated – not without a certain amount of dispute and a new
recognition of inter-village opposition. Nowhere now is it possible for a man
to take up land over which there is no firmly established village ownership.
The significant principle has now emerged that not only does a village, as a
corporate and distinct group, own its own land and is represented in this by
its headman; but all land is now owned by some village. Further, at least
in the high-density regions, there is no longer any vacant land to be taken up
[622] and any land temporarily falling vacant comes immediately under the
allocating authority of the headman.

This process, the application of this principle, is not yet quite universal
423 in the Lake Plains, and it is sometimes still possible to see it coming into
178 operation. Still in the northerly parts of the Lake Plains – the low-density
region – one may see fields occupied by a variety of outsiders, for there the
realisation of the significance of land shortage has been slowest to come.
For example, in Mwakipesile's chiefdom in the late 1940s and early 1950s
it was the practice of men from the congested villages nearer the Lake to
obtain valuable, virgin paddy land in the newly opened areas in the north
(near Ipinda) without residential qualifications. Many men reserved their
original holdings in their own villages for food crops and had their main paddy
fields in this distant area. By 1955, however, it had become virtually impossible
for a non-resident to obtain extra land in this way, although still

there remained scattered pieces here and there which could be taken up, 423 178 and some existing holdings in the area are too large for the agricultural capabilities of their occupiers. The temporary safety valve was shut off. The local headman had become seriously worried over the large-scale alienation of his land resources without any equivalent increase in the number of his villagers, and he also wished to conserve the remaining land against the now better understood needs of his own people.

The principle of no land without residence also means that a villager who wishes to move must automatically forfeit his land-holding in the village. A little earlier he would most probably have been able to retain at least his fields beyond the immediate vicinity of the houses – in so far as his new residence was not too far away to allow continued cultivation. This has been especially important for younger men who, wishing to take up a vacant holding elsewhere, also desire to retain their share of the paternal holding obtained by inheritance. Conversely, they are now unable to move on to their father's holding and yet retain their fields in their own village. Such men must now make a permanent decision between the utility of, perhaps, two inadequate holdings which, however, combined together might be of satisfactory size.

As a consequence of this, inter-village opposition is probably greater than it has ever been in European times, and no less strong perhaps than it was in the old days. Men feel that the security of their holdings, the future of their sons, and the possibility of increasing their arable cultivation lies wholly within the security and stability of their own village. They tend to see other villages and other villagers as a potential threat to their own land requirements; they often suspect the worst of neighbouring villages who, [628] they think, will, given the chance, seize some of their land. Headmen and villagers would refuse to cross the boundary into another village when they accompanied me during my investigations, lest they be accused of contemplating appropriation of the land there. Such aliens who still retained land in a village were regarded with some animosity. Nyakyusa would not look beyond their own village boundaries in an attempt to make an appreciation of the modern overall land situation. They wished only tenaciously to cling to what they already had and to guard it jealously; they were only too inclined to believe that other villages nearby were better off and to use them as scapegoats for their own difficulties and shortage. It must be said that this renewed insistence on village exclusiveness and the inviolability of village boundaries has in fact tended to make for a certain inequality of land-holding according to the perceptiveness and celerity with which headmen claimed authority over formerly vacant lands. This condition is, however, overexaggerated in men's claims today, and in any case it is tending to disappear under the pressure of inter-village movement.

The Nyakyusa village in the Lake Plains, with its intensified independence and aggressive exclusiveness, and jealous of its believed permanent [181] boundaries, has not at the same time been able to retain its traditional coeval basis. Whereas formerly the youths of a village moved to one side, there to build their own hamlet and eventually to acquire their own fields in association with its establishment as a full village in its own right, now this is no longer feasible or even possible, for the land is not available for this sort of expansion. The young men are driven back on a dependence on the fields already held by their fathers in the old village. They gradually move into their fathers' places and take over the paternal holdings; or, as we have seen, they seek where they may to obtain new allocations in any other village where they can gain admittance. The coeval basis of village living is lost. [882]

The boys and youths still leave their fathers' houses and build their first, [361] small huts together on a site somewhere adjacent to the main village site, [561]

● 423 as determined by the village headman. But even building sites with the
178 essentially associated banana groves are becoming increasingly scarce and
[882] valuable, for no one desires to decrease the amount of arable by enlarging the
built-up areas – rather the reverse. The number of young men's villages is
[361] therefore diminishing and congestion of their huts is increasing to the stage
[561] very often where no more than a narrow passage if left between adjacent
houses. There comes to be a wider age range in the young men's hamlets where, often, a large village provides only one for all its sons. Smaller villages sometimes provide no accommodation at all for their sons, who are thus compelled to seek membership of a neighbouring group. These hamlets are mainly regarded nowadays as temporary residential areas for the young men until such time as they move on to an existing holding – their father's or some other. There is therefore no attempt to provide sufficient space for an adequate banana grove with each young man's house, let alone a food-crop plot behind it. The arable land beyond the congested huts already belongs to inhabitants of the main village. When a young man is able to leave and take up a holding, his vacated site (together, often, with the hut) is taken over by a waiting youth who has probably been sharing with another hitherto.

361 These young men's hamlets do not, any longer, eventually mature and
become villages in their own right with their own headman and arable lands.
311 Formerly, when this occurred, they would probably have taken over a good
178 deal of the lands of the old village, as the young men exercised the privileges
of their new maturity against their elders with the emergence of the new
chiefdom. New chiefdoms, and with them new villages, no longer emerge,
[648] and this is mainly because Government has prohibited the bifurcation of petty
chiefdoms on the death of the old chief, as it is considered inconsistent with the development of stable, modern local government. Additionally, however, the shortage of land can no longer allow of the traditional expanding politico-territorial organisation. The elder men's villages are not now prepared to yield ground to the young men, and the latter cannot expand elsewhere. Thus political requirements and land restriction work together to make the old system obsolete and to freeze the spatial distribution of villages as it existed in early European times. As far as I could ascertain in the chiefdoms of the Lake Plains, probably no new village had emerged in the past 20 or more years, except for a few cases of large ones splitting into two for administrative and social convenience. Many villages there date back to pre-European days often now under the son, or even the grandson, of the original headman (though this is not essential or invariable in any way).

561 The age-basis of the Nyakyusa village is thus disappearing; indeed, in
many villages it has already disappeared in everything but the young men's
178 hamlets. Where the process has gone least far, there is still apparent a rough
division of the single village into the old men's sector (men at least 50 years of
428 age, and many much older); the middle-aged men's sector (men between
about 30 and 50 years old, being the younger brothers or elder sons of the old men); and the young men's and youths' sector. On inheritance, sons tend to show a continued reluctance to move and live on their father's house-site and to become immediate neighbours of older men; they avoid it if possible, often allowing a middle-aged man to shift there instead. Nevertheless even
178 this sort of age-division is rapidly vanishing and in very many villages a
428 man's neighbour may be of any age.

We have seen that inheritance is now one of the chief methods of
[423] obtaining land. Under the new inheritance rules, this means that sons
follow their fathers and take up their fathers' arable holdings, building sites and banana groves. Some young men inherit early, others inherit late; there is no longer any notion or possibility of the younger generation entering into its

land en bloc. Young men compete with one another, with their elder brothers 178
and with their fathers for allocations of land left vacant. We also saw, 428
however, that often in the larger families[1] not all the sons are able to get a
share of the paternal holding, or at least not a share of practicable size. [423]
Thus younger sons are forced to resort to trying to obtain vacant land elsewhere – possibly within the same village, but as often as not outside. Finally, the young man on his new holding may find his neighbours to be of any age; certainly they will not have been members of his own original coeval hamlet.

The way for this changing concept of village life and the new sort of village was prepared in the years before land shortage became important. The changed political system has been briefly noted already, but no less important was the great increase in inter-village movement in earlier European days when peace and personal security had been established. During this
period Wilson (1938, page 32) reckoned that perhaps 80 per cent. of Nyakyusa [166]
shifted at least once from the place where they first obtained fields. This estimate, whilst perhaps holding good for Highland Nyakyusa amongst whom Wilson mainly worked, was too high for the people of the Lake Plains, where about 40 per cent. is more correct according to my genealogical and village surveys. That is still a relatively high degree of mobility for a mainly subsistence, peasant society such as it was in those years. It is clear that the pseudo-fraternal bond of coevality could not persist as a main element of village life and consciousness, when in fact as many as half of the members of a village were not original coeval founders but had come in from elsewhere. Before the land shortage, movement did not entail the shifting of young men to other young men's villages, or of older men to other older men's villages. It was, at least eventually, promiscuous movement, ignoring age categories. The compulsions of land shortage seem, in retrospect, only to have followed existing lines of village development and to have begun the completion of the process.

In the Lake Plains, therefore, the village persists as a close, territorial, 423
land-owning group and as a specific cluster of homesteads and huts, usually [621]
with a village street, the whole closely hemmed in by continuous banana
groves. Beyond this lie the arable lands, usually food-crop fields nearby [361]
and paddy fields farther off. In jealously protecting what it already holds, the village has gained a new exclusiveness, for the security of the individual land-holder is maintained by the corporate ownership of the village and by excluding outsiders as far as possible. On the other hand, it is no longer an age-village either in fact or intention, and it cannot be, for age-villages were consistent only with an expanding territorial system and a subsistence economy.

This brief analysis of Nyakyusa village organisation in recent times 561
applies only to the Lake Plains. In some parts of both the Central Region 621
and the Northern Highlands the age-basis of Nyakyusa villages had most
probably already been seriously weakened in pre-European times.[2] On the 178
other hand, elsewhere, and particularly in the more conservative parts less affected by modern trends and the cash economy, the traditional age-village still exists in something like its old form.

Land shortage has appeared in the Highlands together with a developing 311
cash economy, but the basis of agricultural and economic change lies
mainly in coffee cultivation which, of course, requires relatively smaller 433
fields than does paddy in the Lake Plains, but it needs more care and attention 245
from the grower for moderate success. As far as I could see in the course of

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[1] Polygyny is still the norm amongst the older and many middle-aged men, and therefore a father often leaves several sons to inherit. [595]

[2] According to elderly informants in Western Kukwe, Mwakaleli and some central chiefdoms, and also the evidence of old village sites.

311 Whereas in the Highland and Central regions the large numbers of
233 cattle – in relation, that is, to the available pasture resources – are causing
over-grazing and soil erosion, particularly in the hilly areas so often nowadays
relegated to pasturage, on the other hand in the flood plains there does not
appear, at least to the layman, to have been any serious effects on the land.
[241] The natural manuring of the paddy fields in the dry season is advantageous.
In the Lake Plains it is the cattle rather than the land which suffer, but so far
the Nyakyusa have done virtually nothing to meet the new conditions,
other than to complain bitterly and fruitlessly.

The Young Men: Land Shortage and Labour Migration

● 423 The younger Nyakyusa men find increasing difficulty in obtaining arable land now that there are no longer vacant areas to be taken up, and the older men are no longer prepared to cede their land rights in favour of the younger generation, as they traditionally did. When occasional fields are left vacant, the young men must take their turn with their elders, who themselves are so chronically short of land – and the headmen commonly favour the older villagers with families as against the younger men. This means that in the high-density regions the majority of men under the age of about 30 years have little or no arable land, nor can they hope for it until the deaths of their fathers. In the congested village sites even their banana plots may be smaller than is desirable for the provision of the staple food.

The young man, then, is compelled to remain dependent on his father's
[593] and elder brother's holding; indeed, headmen often justify their refusals to
allocate plots to young men on the express grounds that the latter must share
[178] their elders' fields. Thus the valued independence of the young Nyakyusa
is severely restricted and it seems that tensions and difficulties are beginning
to arise between fathers and sons, and between brothers, because of this.
[578] Sons are blamed for not doing their fair share in the family cultivation;
fathers are blamed for giving their sons inadequate shares in crops and crop
incomes. It will be remembered that one of the fundamental principles
underlying Nyakyusa society and its age-village organisation is the spatial
segregation of parents and children (*cf.* page 22). Now they are inevitably
being put into competition with one another over inadequate fields in a
single holding.

The young men are severely restricted, if not altogether cut off, from the
[434] opportunity to cultivate paddy in their own fields and thus to earn their
incomes at home, for paddy-growing is the only way of earning a living in the
Lake Plains. Yet it is these younger men whose money demand is greatest;
[543] to buy clothing, bicycles and other store-goods, and to buy cattle for marriage
payments. They are therefore strongly attracted by the ready opportunities
for taking up wage-labour abroad, in the mines of the Rhodesias and South
Africa where wages are high (see Gulliver, 1957).

With the best will in the world, when, as in the very high-density region,
the average holding is little more than an acre and a half – when, that is, the
older men themselves desire larger acreages for their own cultivation needs –
it is not possible for a father to allow his son to take large shares in his fields.
In some cases a father does give outright to his adult sons strips of his
holding, but plots so provided are necessarily small. Quite as frequently a
father does not consider it possible to break up his holding in his own life-
[593] time, and sons are expected to assist in the common cultivation and to con-
tinue merely to be given a share in the family proceeds at harvest. It is not
surprising, therefore, that very large numbers of young men from the Lake
[167] Plains migrate abroad to work. Only about one man in 20 has not been
away at all before the age of about 25 years. Much higher proportions of
men and larger numbers absolutely are temporarily absent from the Lake

Plains than from any other Nyakyusa area. In the high-density regions, the 423 proportion of young men away at any one time is about 50 per cent. on the [167] average and the proportion has risen concomitantly with the increasing scarcity of land.

It is not, of course, suggested that land shortage is the only factor 464 responsible for contemporary labour migration amongst the Nyakyusa. 167 Elsewhere (*loc. cit.*) I have drawn attention to the very high wages, the increased opportunity to obtain outside employment, the development of 423 transport services and the intensification of recruiting, together with the general desire of the people to gain a higher standard of living as they more [511] thoroughly embrace the new money economy. In fact, wage-labour in the mines is more profitable than growing paddy at home under current agricultural practice, even were land more easily available. Nevertheless, more young men do leave their homes in the Lake Plains than elsewhere in the country, and there is a rough correlation between land availability and the degree of labour migration, which seems to indicate that where men can obtain more land they tend to seek their money incomes at home. The Nyakyusa themselves, with an intensity of tribal patriotism, say that they much prefer to remain at home if they can earn their money there, even if they earn rather less than they might obtain abroad; but, say the young men, it is impossible to earn anything like sufficient when the fields are unobtainable in which to cultivate the cash-crop.

The data which I have been able to collect are summarised in Table VII. Young men are defined here as those under about 30 years old.

TABLE VII

YOUNG MEN: LAND HOLDING AND LABOUR MIGRATION

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[464]

Village and chiefdom	*Young men having own paddy field*	*Young men away at work*	*Average holding of:*	
			Young men who own land	*Older men in same village*
1. Very high density region				
Mpunguti Mwakipesile ..	17%	53%	0.5 acres	1.9 acres
Kapugi Koroso	25%	54%	0.75 acres	1.5 acres
Ndobo Mwakyusa ..	28%	51%	—	—
2. High density region				
Ikolo Mwakyusa ..	37%	47%	1.6 acres	3.7 acres
Kapugi Mwamasangula	52%	39%	1.25 acres	4.5 acres

There are some young men who have small food-crop plots but no paddy field, but I have chosen to correlate labour migration with paddy cultivation because these are almost the only alternative ways of earning money today, and the people themselves recognise the fact. The number of samples is too small, but the general inference seems to be quite clear nonetheless. My own conclusions in this matter were, however, arrived at independently of these figures, which were only obtained for corroboration. The evidence of the people themselves and their obvious difficulties of earning money at home were overwhelming.

If anything is required to underline the current land shortage and to illustrate the small size of the average holding, it surely lies in the existence of villages in which only about one quarter of the young men have their own paddy fields, and in which the average holding of this minority amounts to less than an acre.

Only in the low-density region can the young men obtain the fields they require. There, as they did traditionally, the young adult sons continue to assist their fathers in the heavier labour in the fields, but gradually before [178] marriage they accumulate and extend their own holdings and so achieve economic independence. Elsewhere in the Lake Plains this process is taking much longer and indeed it now very frequently awaits inheritance at the death

423 of the father. The old principle that every man had the right to arable land 167 applied no less strongly to the young men, married or bachelors. Today most headmen will refuse to entertain the applications of young bachelors [178] for land, and in this they merely represent general public opinion. But many young husbands likewise cannot obtain land, or only an insufficient amount.

Consequently, the following case-history, which I recorded for one young man, is not unusual. In 1955 he lived in the Mlangali young-men's hamlet, attached to Mpunguti village in Mwakipesile's chiefdom, where his father lives. He was about 27 years old and had a wife and one child. Twice he had been to work in the mines and from the profits of this employment he had completed his bridewealth payment and had bought, in addition, three cattle, a bicycle and some good clothing. He thought he would [244] probably go away again. Behind his house his wife had about 300 square yards of [245] bananas and there was a tiny patch of cassava. This man had no other land, but he assisted in the heavy labour on his father's holding (about 1.7 acres in all) and by family convention he normally took for his own use the paddy crop of a small strip there; he insisted, however, that he had not been given this strip outright and that it remained at his father's pleasure. He had an unmarried half-brother about 22 years old who had not obtained even that concession at the time. Their father was about 55 years old and had two other sons who were still boys. The young man himself had been refused an allocation of land by the headman on the grounds that (as the headman well knew) he had the use of this strip of his father's land, and also because, as the eldest son, he would be the principal heir on his father's death. He was clearly worried about his future, for he did not wish to go abroad again and [511] leave his wife and child; but he did not see how he could stay at home without seriously lowering his standard of living to little above subsistence level.

I quote this brief case-history not necessarily as typical – though I think it probably is – but as an actual illustration of the present state of affairs as they affect an individual.

The Modern "Chief" and the Land

643 Most of the traditional chiefs, *abanyafyale*, have been recognised and salaried under the Native Authority, and they are officially referred to today 631 as *abatwa* (s. *ntwa*). Some of the smallest chiefdoms have been absorbed administratively by their larger neighbours, and, although they are still recognised by the people, their *abanyafyale* have lost very much of their earlier prestige and authority. In the Lake Plains the modern chiefdoms are often rather larger than is usual amongst the Nyakyusa,[1] but they are, of course, small in comparison with the size of most African chiefdoms in Tanganyika.

643 The slightness of the traditional authority of the chief in land matters has already been noted (pages 7-8) and in general this still holds. In European times, however, the recognised chiefs have been given an increased authority [554] and prestige as [illegible] local intermediaries between Government and people, [199] and until recent years they were almost the only local instruments of the Government amongst the Nyakyusa. They have been backed by the all-powerful European, who preferred to deal with single, recognised individuals [48] thought to have prime authority in a locality, and the European officer has been encouraged in this notion by an over-enthusiastic policy of indirect rule. Such chiefs were able to assume a degree of power well beyond the traditional limits, and to aggrandize themselves thereby. The ordinary commoner was never quite sure how far his chief was individually claiming more than he

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[1] On the numerical sizes of chiefdoms see supra, page 6.

had authority to claim, or how far the Central Government was permitting 643 or even compelling him to use new powers. Part of this novel power has, not unnaturally, been used to take over land-control responsibilities to which the chief has no traditional tribal right, and it has led to the claims, sometimes heard in the Courts and upheld in the District Commissioner's Appeal [648] Court, that chiefs are the sole, traditional and rightful land authorities. It has led to chiefs assuming, or trying to assume, land allocation and supervisory powers which hitherto were the close right only of the village headmen.

Thus some chiefs have declared that they alone, or at least primarily, have allocatory powers over formerly uncultivated tracts which are relatively distant from the villages and which have now become valuable as paddy fields. Others have come to claim rights of interference in village land affairs, even within the long-established village areas. By the undefined threat of their alleged Government support, by taking advantage of new conditions, they have not infrequently "got away with it". They have insisted that their own nominees be allocated vacant holdings; they have gone over the heads of [662] village headmen and made public their opinion as to who, amongst numbers of aspirants, should receive land in villages; they have insisted that headmen [423] should consult them on the details of allocation. The desire for power and further prestige is one impulse behind this development. Sometimes the chiefs, better educated than many of their headmen, are able to understand the modern land situation better and are impatient of their headmen's conservatism and procrastination. Another factor is the potential profit which may accrue as land becomes scarce and thus a valuable commodity, and this became particularly important when the rush developed to take up the formerly vacant lands for paddy cultivation. Gifts in money and kind became common in return for preferential treatment for the donors. These [662] lands are now all allocated and held by someone, but the chiefs have been reluctant to relinquish their new-found authority.

These remarks do not apply to all the chiefs: some have been notably content to use their influence through the traditional system by judicious co-operation with their headmen. Some, too, have been too imperceptive to bother to take action at all. Again, some have been forestalled by strong village headmen who would not allow any diminution of their own status [622] and rights. In some of the fomerly vacant lands where no headman could reasonably claim traditional jurisdiction, the operations of the chiefs have probably been beneficial in reducing chaotic land-grabbing and jealous rivalry; once, however, these lands are brought under cultivation there seems to be a good case for their inclusion within the normal Nyakyusa land-control system. The continued existence of a supra-headman authority does not necessarily lead to stability or improved control. Certainly it is not in keeping with the people's values and institutions.

For these changes Government must clearly bear some responsibility 648 and often also the blame for indirectly causing alterations in native land law 423 and custom by some administrative attitude or ruling in a related sphere. There has been a good deal of well-intentioned insistence on determining and strengthening the "Land Authority" in tribal areas in the interests of stability and efficiency. In Rungwe District the facile claims of Nyakyusa [693] chiefs have been only too readily accepted without question. In fact the traditional *unalafyale*, chief, only represented his chiefdom as a unit, and his lack of real power corresponded to the lack of cohesion within the chiefdom. The notion of a supreme "Land Authority" is largely incorrect for the Nyakyusa. In a theoretical sense we may perhaps say that the total land of a chiefdom was and is owned by all of the people in that chiefdom – chief, headmen and villagers; and therefore we may perhaps categorise the chief, the single individual representing the group as a whole, as the "land-owner." To

648 do this is however, seriously to strain the facts and values beyond what the 423 average Nyakusa would understand or allow. The chief does not, as we have seen, allocate land either to villages as individual units or to the villagers [643] separately; new, traditional villages obtained their land by allocation from the old headmen, and individual villagers were and are allocated their holdings by their own headman. The chief can act as arbitrator between villagers and villages, but his decisions have been notoriously difficult to enforce. Undoubtedly commoners resent the attempts by their chief to interfere in their own village affairs.

Now it may, of course, be desirable to widen and thus facilitate the [433] scope of land authority, allocatory responsibility and equitable supervision, especially in the interests of a developing cash economy in a situation of a critical shortage of land. But if this significant change in native land law is to be introduced, it should surely be as a result of a proper appreciation of the facts and the existing law, and it must be in conformity with the interests and desires of the people themselves. It ought not to be a gradual sliding into a new situation as a result of other factors – as a by-product of local government development, for example, or as a matter of administrative convenience unsupported by real understanding. To make the chiefs the executive agents of the local government system does not necessarily mean – or it should not – that they should be passively allowed to usurp the land allocation powers of their headmen. Further, in view of modern Territorial policy aimed at bringing the people and their village leaders into the local government system, it seems perhaps unwise that at the same time chiefs should be allowed to assert non-traditional, autocratic land powers which are resented by villagers and headmen, and which may do little to improve the already difficult situation. When the additional powers of the chiefs are used at least partly, if not mainly, for self-aggrandizement or for personal profit, then it is a trend which needs to be strictly curtailed and controlled.

CHAPTER V

CONCLUSIONS AND SUGGESTIONS

Briefly to summarise the contemporary land situation: in the Lake 423
Plains it may be said that in the main the traditional land tenure system and 311
land law still continue as the basis of native land holding today. The essential
feature in recent years has been the acute land shortage in relation to arable 178
needs under the current system of agriculture. Village unity and village
exclusiveness have been increased and so also has the authority of the village [621]
headman in his control and allocation of land rights. Security of tenure has [622]
been strengthened, if anything, and one of the most important methods of
obtaining land is now by inheritance. The new law establishing inheritance [428]
from father to sons, whilst generally acceptable to the people, is producing
a number of civil suits which form the greatest proportion of the more
important land cases before the local courts.

The shortage of land is principally the result of increased demands for [433]
paddy (i.e. cash crop) cultivation, although the population appears to be
increasing slowly. In the high density regions almost all men have consider- [161]
ably less land than they could cultivate, especially under the impetus of the ox-plough, with the developing desires for money income. In the low density region of the low foothills there is still some vacant or partly utilised land, though of very inferior quality for paddy cultivation. The shortage hits the younger men severely, and many of them cannot obtain land at all until the death or senility of their fathers. Fragmentation and dispersion of holdings is rapidly becoming serious and without check.

The first question which arises is whether anything can be done to ease 311
the pressure of population on the country by making more land available, 423
or by making its distribution more equitable.

The thinly populated parts of the northern region of the Lake Plains offer a meagre solution only, for the country is raised above the level of the
flood plains and is often broken and hilly. Fertility is low, erosion is a con- [134]
stant danger and the paddy yield (if obtainable at all) is poor. Nyakyusa from the densely populated areas to south and east are therefore most unwilling to move there. In any case the available land, which remains safely
and economically open to cultivation, is filling up fairly quickly – mainly by [167]
immigration. Certainly I do not think that it can supply sufficient space to meet modern needs. There is, however, no reason why immigrants should make a difficult situation worse, and therefore it is suggested that further immigration from outside the Lake Plains should be carefully controlled if not altogether prevented. Indubitably outsiders (almost entirely Nyakyusa from the Highlands) who hold land without permanent residence should be prohibited and their holdings reallocated to local inhabitants.

As I have already indicated (page 17), I do not think that the problem of men who hold unusually large acreages is particularly serious. Such large holdings are relatively few and will be inevitably split up by inheritance on the deaths of the present occupiers.

In the flood plains proper there is, as far as I am aware, extremely little new land which could be brought under cultivation. Mechanical assistance in the clearance of dense reed thicket[1] and in drainage schemes would produce

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[1] These areas of thicket are heavily inundated in the wet season but, if cleared, could be used for a dry season crop.

311 some more land. How much could be made cultivable is beyond my appraisal, but it would be of valuable local assistance and ought not to be neglected. 423 It does not, on the other hand, appear practicable to decrease further the amount of land used for building and village sites – the people themselves have already done this to some extent, and increased congestion in the villages would probably be undesirable on medical grounds.

There remain the local cases where part or all of a holding is not used (excluding genuine fallowing). An old man, or one who has for some reason lost the labour of his wives or sons, is sometimes unable to cultivate the whole of his fields. This is not common, or if it occurs the occupier is usually approached by his kinsmen, friends and neighbours for a loan or gift. Occasionally such land does remain relatively unutilised and the occupier refuses to release it even at the request of the headman. There is some feeling in the Lake Plains over this matter, and some men have suggested openly that such unused land should compulsorily revert to the village to be re-allocated by the headman.[1] Unless there is overwhelming demand for a new ruling here it would seem not to be a practicable policy and would only weaken security of land-holding and further increase the already over-exaggerated communal claim of the village. It would, of course, be difficult to assess when in fact a man had more land than he could or would cultivate, and it might easily lead to injustice if chiefs or headmen were given powers (however restricted) to interfere in a man's holding. Nevertheless headmen might be encouraged to keep a close watch on unused fields in their villages and to bring pressure to bear either to persuade the occupier to increase his efforts or to make temporary, witnessed loans to a neighbour.

In some cases land is left unused for a period whilst a man is away from home – usually while he is away at work. Where his absence is brief, little can or needs to be done, and already under Nyakyusa law the headman may authorise another villager to cultivate the fields on a year to year tenure: the absentee re-entering his holding on return. Occasionally, however, a young man may, for example, inherit land but then leave it for a number of years whilst he migrates to work in the mines. There is no adequate ruling as to the number of years' absence which should elapse before the absentee forfeits his land as an assumed permanent emigrant from the village. Headmen are reluctant to reallocate unused land for fear of the obvious legal and [627] social difficulties should the absentee return, although some headmen are more hasty than others in this matter. Neighbours are often reluctant to borrow the land for fear of losing their opportunity of an outright allocation elsewhere in the village in the meantime. In some cases I saw fields which had lain unused for more than four years for these reasons. Like the unused portions of an old man's holding, these few cases arouse a good deal of land-hungry indignation, beyond their real importance in fact. Nevertheless some limit to the period of absence might well be introduced so that at least headmen know what their authority is in this matter, and so that men not prepared to work the land shall not be able to retain it indefinitely. It may be noted that the average length of absence of men in migratory labour is 18-24 months. A period of three years' continuous absence, at least without special cause, might perhaps be taken to indicate the automatic abdication of right of tenure.

If more land cannot be made available – or only relatively little – the obvious solution is a more intensive and profitable use of the existing resources. The Agricultural Department has long urged this policy and is [648] attempting to put it into effect, pointing out the relatively inferior yields of paddy in the Lake Plains because of poor techniques and inefficient effort.

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[1] Significantly enough, one of the men to bring this suggestion to my notice was the Nyakyusa Senior Agricultural Instructor in the Lake Plains.

This is not the province of the Sociologist, and all that can be said here is that 311 it seems the most practical and valuable policy that could be adopted: it 423 should be made the chief line of attack on contemporary problems. Unfortunately the Nyakyusa do not appreciate the value of this sort of solution 181 – at least not yet – and therefore they are not inclined to learn and to increase their efforts and to change their practices in the fields. They have not yet rid themselves of the notion that increased production of crops and thus increased profits from agriculture are correlated only with increased holdings. In view of the critical land shortage a crucial change of attitude and understanding is required. The Nyakyusa must learn that increased production and higher profits can come from new and more efficient techniques – i.e. intensive cultivation. They must also learn what is so difficult for the African, that quality of production is no less important than quantity and that therefore cash incomes and standards of living can be raised by improving the standard of crops to be sold. Indeed, with a tendency for world agricultural prices to fall due to increasing supply, quality of produce is of the greatest importance. This is notably so in the case of rice. Tanganyika African rice is reckoned as of lower quality than that from South-east Asia, which therefore commands not only the better price but also the main share of the keenly competitive market. But it is a difficult idea for the Nyakyusa to grasp. It seems obvious to them, inheriting attitudes of a former subsistence age, that three poor cattle are better than two good ones – and in fact so they were in the hazardous time of their grandfathers. Cash crop production is based on the same premise, but it cannot hold in a modern cash economy and in dealings with world markets.

If, however, the present land shortage continues unchecked by the successful introduction of new attitudes, ideas and techniques there may well be serious social and political repercussions in the not too distant future. Current schemes of tribal development will surely be rendered futile if economic activity is restricted and if land discontent is allowed to become important.

A second agricultural policy, and one of which less is heard, would be to stop the present dangerous monoculture – the persistence with paddy alone – and to attempt on a large scale to introduce second and third cash crops, particularly such crops as require intensive cultivation on small acreages. This may be forced on the people in any case if the gloomy prognostications of world rice prices are borne out in the next few years. Such a development would allow of a more stable economy and a more balanced agriculture, in addition to assisting towards a reduction of land difficulties. Experiments on a small scale in robusta coffee, palm oil and other crops have [648] already been started by the Agricultural Department but, at least from the layman's point of view, they need priority in finance, attention and effort as a main part of an agricultural programme for the Lake Plains.

In the time available for my investigations it was not possible to enquire 311 with sufficient care into the details and exact procedure of Nyakyusa land 423 law (c.f. page 3) and therefore I am reluctant to suggest any drastic changes. The new inheritance law (page 21) is a step in the right direction and is clearly [178 in keeping with modern trends, but it is suggested that its detailed operation 428] on the ground and in the courts should be studied by the Native Authority and the Administration in order to attempt to define its meaning more clearly and to reduce the number of disputes. In order to check fragmentation before it has gone too far, it should be considered whether some minimum limit might not be imposed on the size of fields. Voluntary schemes for the consolidation of holdings, which have achieved some success elsewhere in Africa, might also be considered. These would be particularly valuable in the

311 flood plains paddy fields where the ox-plough is in general use today. The 423 general advantages of consolidation require no exposition here.

In view of the domestic, economic and social importance of cattle to [233] the Nyakyusa and their potential value in a mixed intensive economy, and also in view of the fact that cattle are widely held in very small numbers by individual families, it is suggested that further and more urgent attempts be made to encourage stall-feeding, especially during the wet season. It is realised that past efforts in this matter have failed, and therefore a thoroughgoing scheme of propaganda and demonstration work is needed. Small fodder crops might be grown in the dry season and there is always plenty of banana fodder as makeweight.

The problem of the landless young men is likely to remain very difficult (see pages 36ff). It has to be remembered of course, that as they get older men do acquire land gradually. Nevertheless the proportion of landless, or [167] virtually landless, men is high and is apparently increasing. The large-scale, post-war labour migration to the Rhodesias and South Africa is undoubtedly one of the more important results of land shortage and economic difficulty, and it is a valuable safety valve. As I have written elsewhere: "The serious and increasing land shortage amongst the Nyakyusa raises real doubts if there is any policy at all which can keep the men at home when there is not enough land for them – for the sake of both economic and general social stability it might be preferable in the long run if the continued pressure on the land resources were released by a degree of permanent emigration."[1] Since writing that and during the course of my land investigations I have only become more convinced of its rightness. I would now go so far as to say that [464] Nyakyusa men should be encouraged to go abroad to work and even to become permanent wage-labourers in the industries and areas which demand labour and offer a higher standard of living. If the Nyakyusa are not to be seriously retarded in their home economic development, based as it must be on agriculture (i.e. on the land), the excess population must find an outlet elsewhere.

The general tendency towards greatly increased exclusiveness in the [621] Nyakyusa village, involving renewed emphasis on the principle of land- [597] holding only by residence and the forfeiture of a holding when changing residence, raises wider issues the future significance of which is not easily seen, especially by the Nyakyusa themselves. This narrow village parochialism does little to meet the increasingly difficult problem of land shortage, whilst the isolation it fosters is the antithesis of the wider outlook required by a developing society in a world money economy. I am fully aware of the strong native sentiment attached to the village and to village independence, but this was in fact diminishing in earlier European times before the new land scarcity set in (see pages 29-30). I do not think that this village system and the complex of attitudes and values it fosters is adequate to provide for the future – a future which the Nyakyusa do not yet clearly foresee. With some deference, therefore, I offer the following suggestion: a man who already has a holding should be able to retain it when he moves to live in another village. If his new home is too far away for the continued cultivation of all or part of the holding, or for any other valid reason, he should be able to sell or give it to anyone he wishes. Such gift or sale could be supervised by the headman of the village in which the holding lies. It might well, at first at any rate, be limited to a member of the same village, either an established villager or another man who is willing to come and live there. I think it important that disposal should be outright and not on leasehold terms, for the latter would most propably engender further complications and uncertainty of tenure, which must be avoided.

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[1] Gulliver, P. H.: *A Report on the Migration of African Workers to the South from the Southern Highlands Province, with special reference to the Nyakyusa of Rungwe District.* Provincial Administration, Tanganyika, 1955, page A21.

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Thus men wishing to move could seek to obtain, that is to buy, a holding from another man living in a village to which he is willing to move; a man leaving a village could either retain his holding in cultivation or obtain some compensation for the loss of his holding there. It is not likely that this would produce a rush of land sales, for only a relatively few men would wish to relinquish their holdings. It would, however, facilitate freer movement between villages. [166] Secondly, it would assist younger men to obtain holdings when they have earned and saved money at work.[1] Thirdly, it would assist profit-making cultivators to enlarge their holdings. Fourthly, it would help to bring to the Nyakyusa a realisation of the implications of the new money economy which they have inevitably and irrevocably entered, and it would demonstrate the value of holdings in relation to other commodities and activities. This kind of system would allow the village to retain much of its valued unity and control whilst reducing its excessive and potentially harmful exclusiveness. Such disposals of land, especially if by money sale, could be performed before the headman and other reliable village witnesses and they could be registered formally at the local court. There would need also to be some ruling limiting the maximum size of holdings (to prevent excessive buying) and preventing alienation to Africans from outside the Lake Plains. In this matter the village headman would probably be the executive authority.

Although the suggestion could be introduced simply as a scheme enabling the buying and selling of land, I am here more concerned with the problem of freer movement and the limitation of the reversionary rights of the headman on behalf of the village, whilst retaining his useful controls. A more general recognition of the economic value of land would probably follow, and if it proved practicable and useful, an extended and refined scheme could be introduced later.

My suggestions are, then, as follows:—

1. (*a*) an immediate restriction of immigration into the Lake Plains from whatever origin, and the encouragement of the movement of people from the congested areas into the lightly populated areas, accompanied by local development programmes there;

(*b*) the consideration of the practicability of drainage and thicket clearance schemes in order to make more land available;

(*c*) the absolute abolition of land-holding by non-residents and the reallocation through the local headmen of land so held to local inhabitants;

(*d*) the sympathetic encouragement of village headmen to watch unused portions of villagers' holdings with a view to their voluntary and temporary reallocation to neighbours in need.

2. (*a*) a detailed enquiry into the operation and administration of the new inheritance law, with a view to improving its details;

(*b*) an enquiry into the possibility of imposing a minimum limit on the size of holdings and plots;

(*c*) the introduction of local, voluntary schemes for the consolidation of holdings.

3. Covering the whole field of Nyakyusa land problems must necessarily be a progressive agricultural programme aimed, firstly, at a more intensive and a more efficient use of the land by improved cultivation methods, and, secondly, the abolition of monoculture by the introduction of other cash crops. This is, of course, the policy of the Agricultural Department, but it needs more urgent application despite the obvious difficulties raised. [648]

Stall-feeding of cattle, especially in the wet season, would assist to improve the living conditions of the herds and to increase their domestic and economic value.

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[1] It would also provide an alternative cash investment to the present purchase of cattle.

311 423 4. The safety valve of labour migration should not be closed and young Nyakyusa should be encouraged to go away to work whilst wages abroad are relatively high.

5. Finally, with a view to the future as well as the present, it is suggested that an individual's land-holding should be at his own disposal, and, if desired, by money sale. Purchasers should, at first anyway, be limited to members of the village where the holding lies or to men willing to settle there.

These recommendations are to be taken only as a suggested programme for administrative consideration. No attempt can be made here to lay down the details of future policy, for that is the function and responsibility of administrators and technical officers, African and European, and not of the Sociologist.

The Sociologist could, however, with profit participate in the discussions and work preparatory to the development of a satisfactory programme. It is essential that a complete programme be arranged and executed to tackle all or most of the problems concerning the land, economics and agriculture. Tinkering with different aspects here and there is likely to be unfruitful and is unlikely to command the propaganda and drive of a comprehensive scheme. Such a planned scheme should be able to catch the imagination and support of the people themselves, especially if they and their leaders can be brought to see the reasons for it and the value it may bring.

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113 Throughout the essay the following works of reference are given in brief form only:—

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N.B. In Wilson, M. (1951) there is a full bibliography of works dealing with the Nyakyusa.

243 and Mapiko, although very little of these is sold. Ploughs have been introduced into the area as it is flat and the total number in use in 1942 is about 400. The first ploughing is carried out in June or July when the ground is still wet, and the second ploughing in October to February. Planting, which is all broadcast, is carried out in November to the middle of March and the harvesting is done in May to September.

256 A first mill was erected at Ipyana on the lake shore in 1942 with a capacity of 9 tons of rice in 15 hours. Another is now on its way from India with a capacity of 14 tons of rice in 15 hours and should be erected some time in 1944.

248 A small acreage of cotton is also sown along the Songwe River boundary, which borders on Nyasaland, with seed obtained from that Colony. Conditions, however, are not suitable on the remainder of the lake shore and expansion is not encouraged.

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439 A list of exports from the district with approximate weights for 1942 is appended:—

Article	Weight in tons
	Tons
Mixed beans	680
Coffee	50
Groundnuts	60
Maize..	1,000
Onions	50
European potatoes	300
Rice	1,000
Vegetables	40
Fruit	100
Banana flour	900
Cassava flour	80
Finger millet	100
Tea (European produce)	318
Total ..	4,738

Land Tenure and Economics of the People

423 In theory all land belongs to the chiefs or sub-chiefs, but in practice once a man has cultivated a plot, that plot belongs to him until he leaves the area in which he lives. If he leaves, the land reverts to the chief or sub-chief and may be given by him through his headman or elder to anyone in his area who is short of land or to a newcomer who wants a plot. Should a man go away and return after a long period and ask for a plot, he is bound to be given one but not necessarily the plot he had before he left. Newcomers are welcomed and are given land, as the amount of tax collected in an area is an indication of the importance of a chief.
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651

233 Stock grazing is a problem which is coming more and more to the fore. The number of